



## **AGENDA**

### **KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS**

**Kern Medical Center  
1700 Mount Vernon Avenue  
Conference Room 1058  
Bakersfield, California 93306**

Regular Meeting  
Wednesday, December 11, 2019

11:30 A.M.

#### **BOARD TO RECONVENE**

Board Members: Alsop, Berjis, Bigler, Brar, McLaughlin, Pelz, Sistrunk  
Roll Call:

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH A "CA" ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY KERN COUNTY HOSPITAL AUTHORITY STAFF. THE "CA" REPRESENTS THE CONSENT AGENDA. CONSENT ITEMS WILL BE CONSIDERED FIRST AND MAY BE APPROVED BY ONE MOTION IF NO MEMBER OF THE BOARD OR AUDIENCE WISHES TO COMMENT OR ASK QUESTIONS. IF COMMENT OR DISCUSSION IS DESIRED BY ANYONE, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED IN LISTED SEQUENCE WITH AN OPPORTUNITY FOR ANY MEMBER OF THE PUBLIC TO ADDRESS THE BOARD CONCERNING THE ITEM BEFORE ACTION IS TAKEN.

STAFF RECOMMENDATION 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!

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))

RECOGNITION

- 3) Presentation by the Chief Executive Officer recognizing the Cerner Electronic Health Record Implementation teams –  
MAKE PRESENTATION

ITEMS FOR CONSIDERATION

CA

- 4) Minutes for Kern County Hospital Authority Board of Governors regular meeting on November 13, 2019 –  
APPROVE

CA

- 5) Proposed acceptance of donation from Federal Emergency Management Agency Center for Domestic Preparedness for travel and related expenses to cover all costs for ten Kern Medical Center employees to attend the “Healthcare Leadership for Mass Casualty Incidents” training in Anniston, Alabama, from January 5, 2020 through January 11, 2020 –  
APPROVE; ADOPT RESOLUTION

CA

- 6) Proposed updated Conflict of Interest policy and Conflict of Interest Code for the Kern County Hospital Authority –  
APPROVE; REFER CONFLICT OF INTEREST CODE TO KERN COUNTY BOARD OF SUPERVISORS FOR APPROVAL

CA

- 7) Proposed Agreement with Arman G. Froush, D.O., a contract employee, for professional medical and administrative services in the Department of Radiology from December 11, 2019 through December 10, 2022, in an amount not to exceed \$2,850,000 –  
APPROVE; AUTHORIZE CHAIRMAN TO SIGN

CA

- 8) Proposed Master Lease Schedule to Quote 20032199908673-01 with Presidio Networked Solutions Group, LLC, an independent contractor, for financing the purchase of software and equipment for on-site data storage and backup system, effective December 11, 2019 – APPROVE; ADOPT RESOLUTION; AUTHORIZE CHAIRMAN TO SIGN

CA

- 9) Proposed Sales Order 1-6UQOXCN with Cerner Corporation, an independent contractor, for the purchase of the MPI Duplicate Reconciliation Tool related to the electronic health record from December 11, 2019 through January 10, 2025, in an amount not to exceed \$285,178 – APPROVE; AUTHORIZE CHAIRMAN TO SIGN

- 10) Kern County Hospital Authority Chief Financial Officer report – RECEIVE AND FILE

- 11) Kern County Hospital Authority Chief Executive Officer report – RECEIVE AND FILE

CA

- 12) Claims and Lawsuits Filed as of November 30, 2019 – RECEIVE AND FILE

ADJOURN TO CLOSED SESSION

CLOSED SESSION

- 13) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) –
- 14) Request for Closed Session for the purpose of discussion or taking action on authority trade secrets (Health and Safety Code Section 101855(e)(1)) –

RECONVENE FROM CLOSED SESSION

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

ADJOURN TO WEDNESDAY, JANUARY 15, 2020, AT 11:30 A.M.

## **SUPPORTING DOCUMENTATION FOR AGENDA ITEMS**

All agenda item supporting documentation is available for public review at Kern Medical Center in the Administration Department, 1700 Mount Vernon Avenue, Bakersfield, 93306 during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, following the posting of the agenda. Any supporting documentation that relates to an agenda item for an open session of any regular meeting that is distributed after the agenda is posted and prior to the meeting will also be available for review at the same location.

### **AMERICANS WITH DISABILITIES ACT (Government Code Section 54953.2)**

The Kern Medical Center Conference Room is accessible to persons with disabilities. Disabled individuals who need special assistance to attend or participate in a meeting of the Kern County Hospital Authority Board of Governors may request assistance at Kern Medical Center in the Administration Department, 1700 Mount Vernon Avenue, Bakersfield, California, or by calling (661) 326-2102. Reasonable efforts will be made to accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

12) CLAIMS AND LAWSUITS FILED AS OF NOVEMBER 30, 2019 –  
RECEIVE AND FILE

- A) Claim in the matter of Esperanza Maldonado
- B) Notice of Filing Discrimination Complaint in the matter of Julie Rosant (DFEH Matter Number 201906-06390405; EEOC Number 37A-2020-00488-C)
- C) Complaint for Damages in the matter of Marcel Monji v. County of Kern, et al., United States District Court, Eastern District of California, Case No. 1:19-cv-01526-LJO-JLT



## **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 13, 2019**

11:30 A.M.

#### **BOARD RECONVENED**

Board Members: Alsop, Berjis, Bigler, Brar, McLaughlin, Pelz, Sistrunk  
ROLL CALL: 5 Present; 2 Absent - Bigler, Sistrunk

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))

**DIRECTOR BERJIS REPORTED ON THE SIGNIFICANT INCREASE IN APPLICATIONS FOR THE RESIDENCY AND FELLOWSHIP PROGRAMS AT KERN MEDICAL CENTER**

RECOGNITION

- 3) Presentation by the Chief Executive Officer recognizing Aidee Cardenas, Kern Medical Center Foundation Community Engagement Coordinator, on her receipt of the Latino Inspire Award from Congressman TJ Cox –  
MADE PRESENTATION; ERICA EASTON, EXECUTIVE DIRECTOR, KERN MEDICAL CENTER FOUNDATION, HEARD

ITEMS FOR CONSIDERATION

CA

- 4) Minutes for Kern County Hospital Authority Board of Governors regular meeting on October 16, 2019 –  
APPROVED  
**Brar-Berjis: 5 Ayes; 2 Absent - Bigler, Sistrunk**

CA

- 5) Proposed Agreement with Igor Garcia-Pacheco, M.D., a contract employee, for professional medical and administrative services in the Department of Medicine from December 2, 2019 through December 1, 2022, in an amount not to exceed \$1,505,000 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 068-2019  
**Brar-Berjis: 5 Ayes; 2 Absent - Bigler, Sistrunk**

CA

- 6) Proposed Agreement with Aslan Ghandforoush, D.O., a contract employee, for professional medical and administrative services in the Department of Medicine, Division of Cardiology, from November 26, 2019 through November 25, 2024, in an amount not to exceed \$5,000,000 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 069-2019  
**Brar-Berjis: 5 Ayes; 2 Absent - Bigler, Sistrunk**

CA

- 7) Proposed Resolution in the matter of approving the establishment of one or more checking accounts with a local banking institution and delegation of authority to certain individuals to sign banking instruments –  
APPROVED; ADOPTED RESOLUTION 2019-014  
**Brar-Berjis: 5 Ayes; 2 Absent - Bigler, Sistrunk**

CA

- 8) Proposed retroactive Subscriber Service Agreement with Chaffee Enterprises, Inc., doing business as Ability Answering Service, an independent contractor, containing nonstandard terms and conditions, for specialized medical office phone coverage from October 11, 2019 through January 9, 2020, in an amount not to exceed \$6,000 – APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN AGREEMENT 070-2019  
**Brar-Berjis: 5 Ayes; 2 Absent - Bigler, Sistrunk**

CA

- 9) Proposed Quote 20032199908673-01 to Agreement 053-2018 with Presidio Networked Solutions Group, LLC, an independent contractor, for lease of equipment, software and services for information technology data storage to support the Cerner Millennium project, effective November 13, 2019, in an amount not to exceed \$413,193 – APPROVED (AGREEMENT 071-2019); DIRECTED DEPARTMENT TO ISSUE A PURCHASE ORDER  
**Brar-Berjis: 5 Ayes; 2 Absent - Bigler, Sistrunk**

CA

- 10) Proposed Supplement to Agreement 496-2016 with The Ultimate Software Group, Inc., an independent contractor, containing nonstandard terms and conditions, for purchase of employee case management software, effective November 13, 2019, in an annual amount not to exceed \$72,048 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 072-2019  
**Brar-Berjis: 5 Ayes; 2 Absent - Bigler, Sistrunk**

CA

- 11) Proposed acceptance of donation from Unitek College, an independent contractor, for travel and related expenses to cover all costs for one Kern Medical Center employee to attend the Unitek College 2019 Annual Conference titled “Innovation in Education and Health Care: Leading and Growing the Future” in Newark, California, on November 18, 2019 – APPROVED; ADOPTED RESOLUTION 2019-015  
**Brar-Berjis: 5 Ayes; 2 Absent - Bigler, Sistrunk**

- 12) Proposed Resolution in the matter of conducting an election among eligible employees to determine coverage of Kern Medical Center employees under the old age, survivors, disability and health insurance system established by the Federal Social Security Act – APPROVED; ADOPTED RESOLUTION 2019-016; DIRECT STAFF TO CONDUCT ELECTION  
**Alsop-Pelz: 5 Ayes; 2 Absent - Bigler, Sistrunk**

- 13) Kern County Hospital Authority Chief Financial Officer report – RECEIVED AND FILED  
**Pelz-Brar: 5 Ayes; 2 Absent - Bigler, Sistrunk**

- 14) Kern County Hospital Authority Chief Executive Officer report – RECEIVED AND FILED  
**Berjis-Pelz: 5 Ayes; 2 Absent - Bigler, Sistrunk**



CA

- 15) Claims and Lawsuits Filed as of October 31, 2019 –  
RECEIVED AND FILED  
**Brar-Berjis: 5 Ayes; 2 Absent - Bigler, Sistrunk**

ADJOURNED TO CLOSED SESSION

**Alsop-Berjis**

CLOSED SESSION

- 16) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 17) Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 18) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Martin L. Goldman, M.D., an individual v. Kern County Hospital Authority, et al., Kern County Superior Court Case No. BCV-18-100390 SDS – SEE RESULTS BELOW
- 19) 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

RECONVENED FROM CLOSED SESSION

**Alsop-Pelz**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item No. 16 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 BERJIS; 2 ABSENT - DIRECTORS BIGLER AND SISTRUNK), THE BOARD APPROVED ALL PROVIDERS 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. 17 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. 18 concerning CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Martin L. Goldman, M.D., an individual v. Kern County Hospital Authority, et al., Kern County Superior Court Case No. BCV-18-100390 SDS – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 19 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

ADJOURNED TO WEDNESDAY, DECEMBER 11, 2019, AT 11:30 A.M.

**Pelz**

/s/ Mona A. Allen  
Authority Board Coordinator

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



**BOARD OF GOVERNORS  
KERN COUNTY HOSPITAL AUTHORITY REGULAR MEETING**

December 11, 2019

**Subject:** Proposed acceptance of donation of training, travel, and related expenses from the Federal Emergency Management Agency, Center for Domestic Preparedness

**Recommended Action:** Approve; Adopt Resolution

**Summary:**

The Authority's conflict of interest policy prohibits employees from receiving or accepting money or any other consideration from anyone other than the Authority for the performance of an act which the employee would be required or expected to render in the regular course of his or her employment.

The Federal Emergency Management Agency, Center for Domestic Preparedness (FEMA/CDP) provides advanced, all hazards training to state, local, and territorial governments. This FEMA/CDP training is fully funded by the Department of Homeland Security, including all travel and related expenses. Kern Medical seeks approval for 10 employees to attend the Healthcare Leadership for Mass Casualty Incidents training in Anniston, Alabama, from January 5 11, 2020. The 10 hospital employees will be trained in mass casualty management and include members of the hospital's emergency management committee and frontline staff members.

Kern Medical recommends your Board adopt the attached proposed resolution to accept the training and travel donation from FEMA/CDP for registration, travel, and related expenses and authorize the Chief Executive Officer to designate 10 employees to attend this important training.

**BEFORE THE BOARD OF GOVERNORS  
OF THE KERN COUNTY HOSPITAL AUTHORITY**

---

In the matter of:

Resolution No. 2019-\_\_\_

**ACCEPTANCE OF DONATION OF  
TRAVEL AND RELATED EXPENSES  
FROM FEDERAL EMERGENCY  
MANAGEMENT AGENCY CENTER  
FOR DOMESTIC PREPAREDNESS**

---

I, MONA A. ALLEN, Authority Board Coordinator for the Kern County Hospital Authority, hereby certify that the following Resolution, on motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, was duly and regularly adopted by the Board of Governors of the Kern County Hospital Authority at an official meeting thereof on the 11th day of December, 2019, by the following vote, and that a copy of the Resolution has been delivered to the Chairman of the Board of Governors.

AYES:

NOES:

ABSENT:

**MONA A. ALLEN**  
Authority Board Coordinator  
Kern County Hospital Authority

---

Mona A. Allen

---

**RESOLUTION**

Section 1. WHEREAS:

(a) The conflict of interest policy for the Kern County Hospital Authority (“Authority”) prohibits Authority employees from receiving or accepting money or any other consideration from anyone other than the Authority for the performance of an act which the employee would be required or expected to render in the regular course of his or her employment; and

(b) The Federal Emergency Management Agency Center for Domestic Preparedness (FEMA/CDP) has offered to donate to the Authority all travel and related expenses for 10 Authority employees to attend the “Healthcare Leadership for Mass Casualty Incidents” training in Anniston, Alabama, from January 5-11, 2020; and

(c) The training session is necessary in connection with official Authority business; and

(d) The Authority desires to obtain the donation of travel and related expenses to the Authority and will retain full control over the use of the donation; and

(e) FEMA/CDP has not made any restrictions as to how the donation may be used.

Section 2. NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Governors of the Kern County Hospital Authority, as follows:

1. This Board finds the facts recited herein are true, and further finds that this Board has jurisdiction to consider, approve, and adopt the subject of this Resolution.

2. This Board hereby accepts from FEMA/CDP the donation of travel and related expenses to cover all costs for 10 Authority employees to travel to Anniston, Alabama, to attend the “Healthcare Leadership for Mass Casualty Incidents” training from January 5-11, 2020.

3. This Board authorizes the Chief Executive Officer to designate 10 Authority employees to attend the “Healthcare Leadership for Mass Casualty Incidents” training in Anniston, Alabama, from January 5-11, 2020.

4. The Authority Board Coordinator shall provide copies of this Resolution to the following:

Chief Financial Officer  
Legal Services Department  
Human Resources Department



**BOARD OF GOVERNORS  
KERN COUNTY HOSPITAL AUTHORITY REGULAR MEETING**

December 11, 2019

**SUBJECT:** Proposed Conflict of Interest Policy for Kern County Hospital Authority

**Recommended Action:** Approve; Refer to Kern County Board of Supervisors for Approval

**Summary:**

The enabling county ordinance at section 2.170.102 requires the Hospital Authority and its officers and directors to conduct activities in a manner this is in conformity with the laws of the state of California as they pertain to conflicts of interest, including, but not limited to the Political Reform Act (Gov. Code, § 81000 et seq.), financial interests involving contracts (Gov. Code, § 1090), common law conflicts of interest,<sup>1</sup> and incompatible activities.<sup>2</sup>

The purposes of this policy are: (1) to preserve the integrity of the decision making process of the Hospital Authority, (2) to prevent intentional or inadvertent participation in the decision making process by persons having an actual or apparent conflict of interest, (3) to promote compliance with the process by which conflicts of interest are disclosed and managed in accordance with state laws, and (4) to prevent violations of state conflict of interest laws.

The attached reflects our recommended changes to the policy and conflict of interest code. The policy was updated to conform to the California Fair Political Practices Commission gift limits in effect from January 1, 2019– December 31, 2020. The conflict of interest code was revised to reflect the current list of designated covered individuals by title or classification. The proposed changes have been reviewed and approved as to legal form by counsel.

Therefore, it is recommended that your Board approve the conflict of interest policy for the Kern County Hospital Authority and refer to the Kern County Board of Supervisors for approval.

---

<sup>1</sup> Each member of the Hospital Authority Board of Governors and officers shall discharge his or her duties with integrity and fidelity and may not let private interests influence public decisions.

<sup>2</sup> In accordance with Section 101855(o) of the Health and Safety Code, a member of the Hospital Authority's administrative staff shall not be considered to hold an incompatible office or to be engaged in activities inconsistent and incompatible with his or her duties as a result of his or her employment or affiliation with the County of Kern or an agency of the County.

**ADMINISTRATIVE POLICY KERN  
COUNTY HOSPITAL AUTHORITY**

**SUBJECT:** Conflict of Interest

**POLICY STATEMENT:**

It is the policy of the Kern County Hospital Authority (“Hospital Authority”) to provide for a process for the disclosure and management of conflicts of interest which may exist for persons with positions of trust and responsibility in the governance and management of the Hospital Authority, and to assure that state law provisions<sup>1</sup> relating to such conflicts are followed. In order to safeguard independent judgment and action in business decisions, each person entrusted with a key position of responsibility in the Hospital Authority has a duty to disclose actual or potential conflicts of interest, to avoid acting out of any actual or apparent conflict of interest which may arise from personal financial interests in entities which may conflict with the Hospital Authority’s best interests. The purposes of this policy are: (i) to preserve the integrity of the decision-making process of the Hospital Authority, (ii) to prevent intentional or inadvertent participation in the decision-making process by persons having an actual or apparent conflict of interest, (iii) to promote compliance with the process by which conflicts of interest are disclosed and managed in accordance with state laws, and (iv) to prevent violations of state conflict of interest laws.

**DEFINITIONS:**

- A. “Covered Individual” means those individuals identified in the attached Appendix A.
- B. “Financial interest” means for purposes of this policy a Covered Individual has a “financial interest” in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the employee or an immediate family member or on:
  - (1) any business entity in which the Covered Individual has a direct or indirect investment worth ~~\$1,000~~2,000 or more;
  - (2) any real property in which the Covered Individual has a direct or indirect interest worth ~~\$1,000~~2,000 or more;
  - (3) any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating ~~\$470~~500<sup>2</sup> or more in value provided to, received by or promised to the Covered Individual within 12 months prior to the time when the decision is made;
  - (4) any business or entity in which the Covered Individual is a director, officer, partner, trustee, employee, or holds any position of management; and
  - (5) any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating ~~\$470~~500 or more in value provided to, received by or promised to the Covered Individual within 12 months prior to the time when the decision is made.

---

<sup>1</sup> Government Code section 1090; Government Code section 81000 et seq.

<sup>2</sup> California Fair Political Practices Commission gift limit effective **January 1, 2017-2019 - December 31, 2018-2020.**

- C. "Immediate family member" means the Covered Individual's spouse; natural or adoptive parent, child or sibling; stepparent, stepchild, stepbrother or stepsister; father-in-law, mother-in-law, brother-in-law or sister-in-law; grandparent or grandchild; or spouse of a grandparent or grandchild.
- D. "Indirect investment or interest" means any investment or interest owned by the spouse or dependent child of the Covered Individual, by an agent on behalf of the Covered Individual, or by a business entity or trust in which the Covered Individual, or Covered Individual's agent, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

## **1.0 ACTS CONSTITUTING CONFLICT OF INTEREST**

- A. No Covered Individual shall engage in any employment, activity or enterprise that results in any of the following:
  - 1. Using the prestige or influence of a Hospital Authority office or employment for private gain or advantage, or the private gain or advantage of another;
  - 2. Using Hospital Authority time, facilities, equipment or supplies for the Covered Individual's private gain or advantage, or the private gain or advantage of another;
  - 3. Using confidential information acquired by virtue of Hospital Authority office or employment for the Covered Individual's private gain or advantage, or the private gain or advantage of another;
  - 4. Receiving or accepting money or any other consideration from anyone other than the Hospital Authority for the performance of an act which the Covered Individual would be required or expected to render in the regular course or hours of office or employment or as part of duties as a Covered Individual;
  - 5. Performance of an act in other than the Covered Individual's capacity knowing that such act may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by the Covered Individual or by the Hospital Authority;
  - 6. Make, participate in making or in any way attempt to use the Covered Individual's position to influence a governmental decision (other than a decision affecting an employee's wages, hours, or working conditions) in which the Covered Individual knows or has reason to know that the Covered Individual has a financial interest; or
  - 7. Non-Hospital Authority employment or self-employment outside of regular working hours which involves such time demands or services of such a character as to impair effectiveness of Hospital Authority employment.
- B. Any violation of the provisions contained in the aforementioned section shall constitute sufficient grounds for disciplinary action up to and including termination of employment.

## **2.0 EXEMPTION FOR CERTAIN PHYSICIAN SERVICES**

Those physicians rendering professional services to Kern Medical Center or other Hospital Authority businesses under contract authorizing billing for services to non-indigent patients shall not be deemed to be in violation of the provisions of Section 1.0 of this policy in billing for such services so rendered.



**3.0 POST-EMPLOYMENT RESTRICTIONS REGARDING REPRESENTATION, APPEARANCE OR COMMUNICATION**

- A. Employees classified as management, mid-management or confidential, shall not, for a period of one year after leaving employment, act as agent or attorney for, or otherwise represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to the Hospital Authority or a present member of the Board of Governors or any officer or employee of the Hospital Authority if the appearance or communication is made for the purpose of influencing administrative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.
- B. Subsection A shall not apply to any individual who is, at the time of the appearance or communication, a board member, officer, or employee of a local government agency or an employee or representative of any other public agency and is appearing or communicating on behalf of that agency.
- C. The following definitions shall apply for purposes of Sections 3.0 and 4.0 only:
  - 1. “Administrative action” means the proposal, drafting, development, consideration, amendment, enactment, or defeat by the Hospital Authority of any matter, including any rule, regulation, or other action in any regulatory proceeding, whether quasi-legislative or quasi-judicial. Administrative action does not include any action that is solely ministerial.
  - 2. “Legislative action” means the drafting, introduction, modification, enactment, defeat, approval, or veto of any ordinance, amendment, resolution, report, nomination, or other matter by the Board of Governors or by any committee or subcommittee thereof, or by a member of the Board of Governors acting in his or her official capacity.
  - 3. “Person” shall mean an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.
- D. This Section and Section 4.0 are adopted in accordance with Government Code section 87406.3(c).

**4.0 POST-EMPLOYMENT RESTRICTIONS REGARDING AID, ADVICE OR COUNSEL**

Employees classified as management, mid-management or confidential, shall not, for a period of one year after leaving that office or employment, for compensation, aid, advise, counsel, consult or assist any other person regarding an appearance or communication which the official or employee would be prohibited from making under Section 3.0.

## 5.0 CONFLICT OF INTEREST CODE

- A. The Political Reform Act requires state and local government agencies, which includes the Hospital Authority to adopt and promulgate conflict of interest codes. (Gov. Code, § 81000 et seq.) The Fair Political Practices Commission has adopted a regulation, which contains the terms of a standard conflict of interest code. (Cal. Code Regs., tit. 2, § 18730.) Incorporation by reference of the terms of the regulation along with the designation of employees and the formulation of disclosure categories set forth in the attached Appendix A constitute the adoption and promulgation of the conflict of interest code of the Hospital Authority. The requirements of this conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.
- B. Designated Covered Individuals identified in the attached Appendix A shall file statements of economic interests with the Hospital Authority, who will make the statements available for public inspection and reproduction. (Gov. Code, § 81008.) Upon receipt of the statements of the Chairman and Members of the Board of Governors of the Hospital Authority, the Hospital Authority shall make and retain a copy and forward the original of these statements to the Board of Supervisors of the County of Kern. Statements for all other designated Covered Individuals shall be retained by the Hospital Authority.
- C. Government Code Section 87306.5 requires local agencies, which includes the Hospital Authority to submit to their code reviewing body, which, in the case of the Hospital Authority is the Kern County Board of Supervisors, a biennial report identifying changes in its conflict of interest code, or a statement that their code is not in need of amendment. An amendment is required to: (1) include new positions (including consultants) that must be designated; (2) revise the titles of existing positions; (3) deleted titles of positions that have been abolished; (4) deleted positions that manage public investments from the list of designated positions; (5) revise disclosure categories; and (6) other. No amendment is required if the Hospital Authority's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income that may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302. Such report shall be submitted no later than October 1 of each even-numbered year. (Gov. Code, § 87306.5(a).) When completed, the report must be mailed to the Clerk of the Board of Supervisors.

## APPENDIX A

### CONFLICT OF INTEREST CODE KERN COUNTY HOSPITAL AUTHORITY DESIGNATED COVERED INDIVIDUALS

Accountant (all)

Assistant Pharmacy Director

~~Associate Hospital Administrator, Behavioral Health (contract service)~~

~~Associate Hospital Administrator, Trauma and Surgery (contract service)~~

Associate Director of Medical Education

Authority Board Coordinator (contract service)

Chairman and Members of the Board of Governors

~~Chief Academic Officer~~

Chief Executive Officer (contract service)

Chief Financial Officer (contract service)

Chief Information Officer

Chief Medical Officer (contract service)

Chief Nursing Officer

Chief Operating Officer (contract service)

~~Chief Quality Officer~~

Chief Strategy Officer (contract service)

Clinical Directors (all)

Consultants \*

~~Contract Administrator~~

~~Contract Compliance Manager (contract service)~~

Contracts Compliance Specialist

Credit Card Holders (all)

Decision Support ~~Specialist Consultant~~ (contract service)

~~Director, Business Office (contract service)~~

Director, Care Coordination (contract service)

Director, Change Management (contract service)

~~Director, Clinical Laboratory Services~~

Director, Communications (contract service)

~~Director, Community Wellness (contract service)~~

Director, Employee and Labor Relations

Director, Finance (contract service)

~~Director, Human Resources Operations (contract service)~~

Director, Outpatient Integration (contract service)

Director, Patient Access (contract service)

Director, Patient Accounting (contract service)

Director, Performance Improvement (contract service)

Director, Pharmacy Services

Director, Physician Recruitment (contract service)

Director, Population Health (contract service)

~~Director, Radiology~~

Director, Whole Person Care (contract service)

EVS Director (contract service)

~~Finance Contract Compliance Manager (contract service)~~

[Financial Planning Director \(contract service\)](#)

Fiscal Support Supervisor (assigned to General Accounting or Accounts Payable)

Fiscal Support Technician (assigned to Materials Management)

Front End Revenue Cycle Manager – EMR (contract service)

Front End Revenue Cycle Manager – Inpatient and Emergency Department (contract service)

Front End Revenue Cycle Manager – Patient Financial Counseling and Outpatient Clinics (contract service)

Front End Revenue Cycle Manager – Pre-registration and Authorization (contract service)

[General Accounting Manager](#)

Health Information Services Director

[Hospital Business Office Manager](#)

[Hospital Business Office Supervisor](#)

Hospital Counsel

Health Facilities Director ~~(contract service)~~

Hospital Materials Director ~~(contract service)~~

Hospital Materials Manager

Hospital Payroll Manager (contract service)

Hospital Security Director (contract service)

Managed Care Consultant (contract service)

[Manager, Decision Support \(contract service\)](#)

Manager of Reimbursement (contract service)

[Manager, Radiology](#)

Materials Management Operations Manager ~~(contract service)~~

Medical Staff Department Chairs (all)

Medical Staff Division Chiefs (all)

Medical Staff Officers (elected officers only)

Patient Access Services Supervisor

[Physician Billing Manager \(contract service\)](#)

[Physician Enterprise Manager](#)

[Physician Enterprise Consultant \(contract service\)](#)

[President of Hospital and Clinic Operations \(contract service\)](#)

Revenue Cycle AR Administration Manager (contract service)

[Revenue Cycle AR Inventory Manager \(contract service\)](#)

Revenue Cycle Systems Support Manager (contract service)

Revenue Integrity Manager (contract service)

Senior Paralegal

Special Projects Manager (contract service)

Therapy Services Manager

Vice President & General Counsel

Vice President, Administrative Services (contract service)

Vice President, Ambulatory Services (contract service)

Vice President, Human Resources (contract service)

Workers' Compensation and Liability Manager

\*Consultants shall be included in the list of designated Covered Individuals and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Chief Executive Officer may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not

required to comply fully with the disclosure requirements described in the Kern County Hospital Authority Conflict of Interest Code. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as the Conflict of Interest Code.

#### DISCLOSURE CATEGORY

Designated Covered Individuals shall report all sources of income, interests in real property, and investments and business positions in business entities.

**ADMINISTRATIVE POLICY**  
**KERN COUNTY HOSPITAL AUTHORITY**

**SUBJECT:** Conflict of Interest

**POLICY STATEMENT:**

It is the policy of the Kern County Hospital Authority (“Hospital Authority”) to provide for a process for the disclosure and management of conflicts of interest which may exist for persons with positions of trust and responsibility in the governance and management of the Hospital Authority, and to assure that state law provisions<sup>1</sup> relating to such conflicts are followed. In order to safeguard independent judgment and action in business decisions, each person entrusted with a key position of responsibility in the Hospital Authority has a duty to disclose actual or potential conflicts of interest, to avoid acting out of any actual or apparent conflict of interest which may arise from personal financial interests in entities which may conflict with the Hospital Authority’s best interests. The purposes of this policy are: (i) to preserve the integrity of the decision-making process of the Hospital Authority, (ii) to prevent intentional or inadvertent participation in the decision-making process by persons having an actual or apparent conflict of interest, (iii) to promote compliance with the process by which conflicts of interest are disclosed and managed in accordance with state laws, and (iv) to prevent violations of state conflict of interest laws.

**DEFINITIONS:**

- A. “Covered Individual” means those individuals identified in the attached Appendix A.
- B. “Financial interest” means for purposes of this policy a Covered Individual has a “financial interest” in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the employee or an immediate family member or on:
  - (1) any business entity in which the Covered Individual has a direct or indirect investment worth \$2,000 or more;
  - (2) any real property in which the Covered Individual has a direct or indirect interest worth \$2,000 or more;
  - (3) any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500<sup>2</sup> or more in value provided to, received by or promised to the Covered Individual within 12 months prior to the time when the decision is made;
  - (4) any business or entity in which the Covered Individual is a director, officer, partner, trustee, employee, or holds any position of management; and
  - (5) any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more in value provided to, received by or promised to the Covered Individual within 12 months prior to the time when the decision is made.

---

<sup>1</sup> Government Code section 1090; Government Code section 81000 et seq.

<sup>2</sup> California Fair Political Practices Commission gift limit effective **January 1, 2019 - December 31, 2020.**

- C. "Immediate family member" means the Covered Individual's spouse; natural or adoptive parent, child or sibling; stepparent, stepchild, stepbrother or stepsister; father-in-law, mother-in-law, brother-in-law or sister-in-law; grandparent or grandchild; or spouse of a grandparent or grandchild.
- D. "Indirect investment or interest" means any investment or interest owned by the spouse or dependent child of the Covered Individual, by an agent on behalf of the Covered Individual, or by a business entity or trust in which the Covered Individual, or Covered Individual's agent, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

## **1.0 ACTS CONSTITUTING CONFLICT OF INTEREST**

- A. No Covered Individual shall engage in any employment, activity or enterprise that results in any of the following:
  - 1. Using the prestige or influence of a Hospital Authority office or employment for private gain or advantage, or the private gain or advantage of another;
  - 2. Using Hospital Authority time, facilities, equipment or supplies for the Covered Individual's private gain or advantage, or the private gain or advantage of another;
  - 3. Using confidential information acquired by virtue of Hospital Authority office or employment for the Covered Individual's private gain or advantage, or the private gain or advantage of another;
  - 4. Receiving or accepting money or any other consideration from anyone other than the Hospital Authority for the performance of an act which the Covered Individual would be required or expected to render in the regular course or hours of office or employment or as part of duties as a Covered Individual;
  - 5. Performance of an act in other than the Covered Individual's capacity knowing that such act may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by the Covered Individual or by the Hospital Authority;
  - 6. Make, participate in making or in any way attempt to use the Covered Individual's position to influence a governmental decision (other than a decision affecting an employee's wages, hours, or working conditions) in which the Covered Individual knows or has reason to know that the Covered Individual has a financial interest; or
  - 7. Non-Hospital Authority employment or self-employment outside of regular working hours which involves such time demands or services of such a character as to impair effectiveness of Hospital Authority employment.
- B. Any violation of the provisions contained in the aforementioned section shall constitute sufficient grounds for disciplinary action up to and including termination of employment.

## **2.0 EXEMPTION FOR CERTAIN PHYSICIAN SERVICES**

Those physicians rendering professional services to Kern Medical Center or other Hospital Authority businesses under contract authorizing billing for services to non-indigent patients shall not be deemed to be in violation of the provisions of Section 1.0 of this policy in billing for such services so rendered.

**3.0 POST-EMPLOYMENT RESTRICTIONS REGARDING REPRESENTATION, APPEARANCE OR COMMUNICATION**

- A. Employees classified as management, mid-management or confidential, shall not, for a period of one year after leaving employment, act as agent or attorney for, or otherwise represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to the Hospital Authority or a present member of the Board of Governors or any officer or employee of the Hospital Authority if the appearance or communication is made for the purpose of influencing administrative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.
- B. Subsection A shall not apply to any individual who is, at the time of the appearance or communication, a board member, officer, or employee of a local government agency or an employee or representative of any other public agency and is appearing or communicating on behalf of that agency.
- C. The following definitions shall apply for purposes of Sections 3.0 and 4.0 only:
  - 1. “Administrative action” means the proposal, drafting, development, consideration, amendment, enactment, or defeat by the Hospital Authority of any matter, including any rule, regulation, or other action in any regulatory proceeding, whether quasi-legislative or quasi-judicial. Administrative action does not include any action that is solely ministerial.
  - 2. “Legislative action” means the drafting, introduction, modification, enactment, defeat, approval, or veto of any ordinance, amendment, resolution, report, nomination, or other matter by the Board of Governors or by any committee or subcommittee thereof, or by a member of the Board of Governors acting in his or her official capacity.
  - 3. “Person” shall mean an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.
- D. This Section and Section 4.0 are adopted in accordance with Government Code section 87406.3(c).

**4.0 POST-EMPLOYMENT RESTRICTIONS REGARDING AID, ADVICE OR COUNSEL**

Employees classified as management, mid-management or confidential, shall not, for a period of one year after leaving that office or employment, for compensation, aid, advise, counsel, consult or assist any other person regarding an appearance or communication which the official or employee would be prohibited from making under Section 3.0.



## 5.0 CONFLICT OF INTEREST CODE

- A. The Political Reform Act requires state and local government agencies, which includes the Hospital Authority to adopt and promulgate conflict of interest codes. (Gov. Code, § 81000 et seq.) The Fair Political Practices Commission has adopted a regulation, which contains the terms of a standard conflict of interest code. (Cal. Code Regs., tit. 2, § 18730.) Incorporation by reference of the terms of the regulation along with the designation of employees and the formulation of disclosure categories set forth in the attached Appendix A constitute the adoption and promulgation of the conflict of interest code of the Hospital Authority. The requirements of this conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.
- B. Designated Covered Individuals identified in the attached Appendix A shall file statements of economic interests with the Hospital Authority, who will make the statements available for public inspection and reproduction. (Gov. Code, § 81008.) Upon receipt of the statements of the Chairman and Members of the Board of Governors of the Hospital Authority, the Hospital Authority shall make and retain a copy and forward the original of these statements to the Board of Supervisors of the County of Kern. Statements for all other designated Covered Individuals shall be retained by the Hospital Authority.
- C. Government Code Section 87306.5 requires local agencies, which includes the Hospital Authority to submit to their code reviewing body, which, in the case of the Hospital Authority is the Kern County Board of Supervisors, a biennial report identifying changes in its conflict of interest code, or a statement that their code is not in need of amendment. An amendment is required to: (1) include new positions (including consultants) that must be designated; (2) revise the titles of existing positions; (3) deleted titles of positions that have been abolished; (4) deleted positions that manage public investments from the list of designated positions; (5) revise disclosure categories; and (6) other. No amendment is required if the Hospital Authority's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income that may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302. Such report shall be submitted no later than October 1 of each even-numbered year. (Gov. Code, § 87306.5(a).) When completed, the report must be mailed to the Clerk of the Board of Supervisors.

## APPENDIX A

### CONFLICT OF INTEREST CODE KERN COUNTY HOSPITAL AUTHORITY DESIGNATED COVERED INDIVIDUALS

Accountant (all)  
Assistant Pharmacy Director  
Associate Director of Medical Education  
Authority Board Coordinator (contract service)  
Chairman and Members of the Board of Governors  
Chief Executive Officer (contract service)  
Chief Financial Officer (contract service)  
Chief Information Officer  
Chief Medical Officer (contract service)  
Chief Nursing Officer  
Chief Operating Officer (contract service)  
Chief Strategy Officer (contract service)  
Clinical Directors (all)  
Consultants \*  
Contracts Compliance Specialist  
Credit Card Holders (all)  
Decision Support Consultant (contract service)  
Director, Care Coordination (contract service)  
Director, Change Management (contract service)  
Director, Communications (contract service)  
Director, Employee and Labor Relations  
Director, Finance (contract service)  
Director, Outpatient Integration (contract service)  
Director, Patient Access (contract service)  
Director, Patient Accounting (contract service)  
Director, Performance Improvement (contract service)  
Director, Pharmacy Services  
Director, Physician Recruitment (contract service)  
Director, Population Health (contract service)  
Director, Whole Person Care (contract service)  
EVS Director (contract service)  
Fiscal Support Supervisor (assigned to General Accounting or Accounts Payable)  
Fiscal Support Technician (assigned to Materials Management)  
Front End Revenue Cycle Manager – EMR (contract service)  
Front End Revenue Cycle Manager – Inpatient and Emergency Department (contract service)  
Front End Revenue Cycle Manager – Patient Financial Counseling and Outpatient Clinics (contract service)  
Front End Revenue Cycle Manager – Pre-registration and Authorization (contract service)  
Health Information Services Director  
Hospital Counsel  
Health Facilities Director  
Hospital Materials Director  
Hospital Materials Manager

Hospital Payroll Manager (contract service)  
Hospital Security Director (contract service)  
Managed Care Consultant (contract service)  
Manager of Reimbursement (contract service)  
Manager, Radiology  
Materials Management Operations Manager  
Medical Staff Department Chairs (all)  
Medical Staff Division Chiefs (all)  
Medical Staff Officers (elected officers only)  
Patient Access Services Supervisor  
Physician Enterprise Manager  
Physician Enterprise Consultant (contract service)  
President of Hospital and Clinic Operations (contract service)  
Revenue Cycle AR Administration Manager (contract service)  
Revenue Cycle AR Inventory Manager (contract service)  
Revenue Cycle Systems Support Manager (contract service)  
Revenue Integrity Manager (contract service)  
Senior Paralegal  
Special Projects Manager (contract service)  
Therapy Services Manager  
Vice President & General Counsel  
Vice President, Administrative Services (contract service)  
Vice President, Ambulatory Services (contract service)  
Vice President, Human Resources (contract service)  
Workers' Compensation and Liability Manager

\*Consultants shall be included in the list of designated Covered Individuals and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Chief Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in the Kern County Hospital Authority Conflict of Interest Code. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as the Conflict of Interest Code.

#### DISCLOSURE CATEGORY

Designated Covered Individuals shall report all sources of income, interests in real property, and investments and business positions in business entities.