



SUMMARY OF PROCEEDINGS

KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS

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

Regular Meeting
Wednesday, September 21, 2016

11:30 A.M.

BOARD RECONVENED

Directors present: Berjis, Bigler, McLaughlin, Pelz, Sistrunk

Directors absent: McGauley, Nilon

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

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH A "CA" 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. Also, 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))

Chairman Bigler read a recent article from The Bakersfield Californian which recognized Chief Executive Officer Russell Judd and his team for their work to turn around Kern Medical's financial performance

ITEMS FOR CONSIDERATION

- 3) Presentation of check for \$578,000 from Kaiser Permanente to Kern Medical Center Foundation on behalf of Kern Medical for the "Up Sooner, Safer" patient mobility program –
MADE PRESENTATION

CA

- 4) Minutes for Kern County Hospital Authority Board of Governors regular meeting on August 17, 2016 –
APPROVED
McLaughlin-Pelz: 5 Ayes; 2 Absent - McGauley, Nilon

CA

- 5) Proposed updated Conflict of Interest Code and Conflict of Interest policy for Kern County Hospital Authority –
APPROVED; REFERRED CONFLICT OF INTEREST CODE TO KERN COUNTY BOARD OF SUPERVISORS FOR APPROVAL
McLaughlin-Pelz: 5 Ayes; 2 Absent - McGauley, Nilon

CA

- 6) Proposed Resolution approving the "pick-up" treatment of physician contributions to the Kern County Hospital Authority Pension Plan for Physician Employees as authorized under Internal Revenue Code Section 414(h)(2) –
APPROVED; ADOPTED RESOLUTION 2016-016
McLaughlin-Pelz: 5 Ayes; 2 Absent - McGauley, Nilon

CA

- 7) Proposed Resolution revising the Kern County Hospital Authority Pension Plan for Physician Employees' Pension Committee membership –
APPROVED; ADOPTED RESOLUTION 2016-017
McLaughlin-Pelz: 5 Ayes; 2 Absent - McGauley, Nilon

CA

- 8) Proposed retroactive Resolution revising the extension of excess medical professional liability coverage for Kern Medical employed and independent contractor physicians, effective July 1, 2016 –
APPROVED; ADOPTED RESOLUTION 2016-018
McLaughlin-Pelz: 5 Ayes; 2 Absent - McGauley, Nilon

CA

- 9) Proposed Agreement with Bhani K. Chawla-Kondal, M.D., a contract employee, for professional medical services in the Department of Surgery from October 3, 2016 through October 2, 2018, in an amount not to exceed \$1,130,000, plus applicable benefits –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 2016-067
McLaughlin-Pelz: 5 Ayes; 2 Absent - McGauley, Nilon

CA

- 10) Proposed Agreement for a triple net lease of a single story office building located at 2011 19th Street, Bakersfield, California 93301 for a term of two years, in an amount not to exceed \$61,715, plus utilities, taxes, and operating expenses –
MADE FINDING PROJECT EXEMPT FROM FURTHER CEQA REVIEW PER SECTIONS 15320 AND 15061(b)(3) OF STATE CEQA GUIDELINES; APPROVED;
AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 2016-068
McLaughlin-Pelz: 5 Ayes; 2 Absent - McGauley, Nilon

CA

- 11) Proposed Agreement with Aslan Ghandforoush, D.O., a contract employee, for professional medical services in the Department of Medicine, Division of Cardiology from October 1, 2016 through September 30, 2019, in an amount not to exceed \$3,000,000, plus applicable benefits –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 2016-069
McLaughlin-Pelz: 5 Ayes; 2 Absent - McGauley, Nilon

- 12) Report from County of Kern Administrative Office, Human Resources Division on county health benefits programs –
HEARD PRESENTATION; RECEIVED AND FILED
Pelz-Sistrunk: 5 Ayes; 2 Absent - McGauley, Nilon

- 13) Report on Hospital Compare patient satisfaction for the period October 1, 2014 through September 30, 2015 –
RECEIVED AND FILED
Berjis-McLaughlin: 5 Ayes; 2 Absent - McGauley, Nilon

- 14) Kern County Hospital Authority Chief Executive Officer report -
RECEIVED AND FILED
Pelz-Sistrunk: 5 Ayes; 2 Absent - McGauley, Nilon

- 15) Kern County Hospital Authority Chief Financial Officer report -
RECEIVED AND FILED
McLaughlin-Berjis: 5 Ayes; 2 Absent - McGauley, Nilon

CA

- 16) Miscellaneous Documents –
RECEIVED AND FILED
McLaughlin-Pelz: 5 Ayes; 2 Absent - McGauley, Nilon

CA

- 17) Claims and Lawsuits Filed as of August 31, 2016 –
RECEIVED AND FILED
McLaughlin-Pelz: 5 Ayes; 2 Absent - McGauley, Nilon

ADJOURNED TO CLOSED SESSION
Pelz-Berjis

CLOSED SESSION

- 18) Request for Closed Session regarding peer review of health practitioners
(Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 19) Request for Closed Session regarding peer review of health facilities
(Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 20) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code Section 54956.9(d)(1)) Name of case: Jasmin Delila Hernandez,
et al. v. County of Kern, et al., Kern County Superior Court Case No. S-1500-CV-
277124 DRL – SEE RESULTS BELOW
- 21) 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
- 22) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Government Code Section 54956.9(d)(2), (e)(3).) 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: The receipt of a claim pursuant to the Government
Claims Act or some other written communication from a potential plaintiff threatening
litigation, which non-exempt claim or communication is available for public inspection
– SEE RESULTS BELOW

- 23) CONFERENCE WITH LABOR NEGOTIATORS – Agency designated representatives: Chief Executive Officer Russell V. Judd, and designated staff – Employee organization: Service Employees International Union, Local 521 (Government Code Section 54957.6) – SEE RESULTS BELOW
- 24) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2), (e)(3).) 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: The receipt of a claim pursuant to the Government Claims Act or some other written communication from a potential plaintiff threatening litigation, which non-exempt claim or communication is available for public inspection – SEE RESULTS BELOW
- 25) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Bravo v. County of Kern, et al., Kern County Superior Court Case No. S-1500-CV-280293 DRL – SEE RESULTS BELOW

RECONVENED FROM CLOSED SESSION
Sistrunk-McLaughlin

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item No. 18 concerning a 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 (2 ABSENT - MCGAULEY, NILON), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE FROM PROCTORING, ADVANCE IN STAFF STATUS, AND VOLUNTARY RESIGNATION OF PRIVILEGES

Item No. 19 concerning a 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. 20 concerning CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Jasmin Delila Hernandez, et al. v. County of Kern, et al., Kern County Superior Court Case No. S-1500-CV-277124 DRL – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 21 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

Item No. 22 concerning CONFERENCE WITH LEGAL COUNEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2), (e)(3).) 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: The receipt of a claim pursuant to the Government Claims Act or some other written communication from a potential plaintiff threatening litigation, which non-exempt claim or communication is available for public inspection – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 23 concerning CONFERENCE WITH LABOR NEGOTIATORS – Agency designated representatives: Chief Executive Officer Russell V. Judd, and designated staff – Employee organization: Service Employees International Union, Local 521 (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 24 concerning CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2), (e)(3).) 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: The receipt of a claim pursuant to the Government Claims Act or some other written communication from a potential plaintiff threatening litigation, which non-exempt claim or communication is available for public inspection – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 25 concerning CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Bravo v. County of Kern, et al., Kern County Superior Court Case No. S-1500-CV-280293 DRL – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, OCTOBER 19, 2016 AT 11:30 A.M.

Pelz



/s/ Raquel D. Fore
Authority Board Coordinator



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