



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, January 17, 2024

11:30 A.M.

BOARD RECONVENED

Board Members: Berjis, Bigler, McLaughlin, Neal, Pelz, Pollard, Zervis
Roll Call: 6 Present; 1 Absent - Bigler

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!

IVONNE PARKER, CLINICAL SUPERVISOR, LABORATORY; DANNA MEJIA, CLINICAL LAB SCIENTIST; SARAH PENDEREL, BLOOD BANK SUPERVISOR; LAURA FULLER, CLINICAL LAB ASSISTANT; AND MICHELLE FANG, CLINICAL PHARMACIST, HEARD REGARDING STAFF SHORTAGES IN THE LAB AND PAY INCREASES FOR CLINICAL LAB STAFF

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

INTRODUCTIONS

- 3) Introduction of Kern County Hospital Authority Board Member Candace B. Neal
MADE INTRODUCTION

ITEMS FOR CONSIDERATION

CA

- 4) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on December 13, 2023 –
APPROVED
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 5) Proposed Resolution in the matter of amending the grant agreement with California Health Facilities Financing Authority under the Children’s Hospital Bond Act of 2018, to reallocate funds among vendors and appoint the Kern Medical Center Foundation Executive Director (ex-officio) to administer the grant award –
APPROVED; ADOPT RESOLUTION 2024-001
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 6) Proposed Ordering Document CPQ-3225814 with Oracle America, Inc., an independent contractor, for implementation and configuration of a CareAware BMDI device to support the integration of data into the electronic health record, for a project term of three months, in an amount not to exceed \$19,134 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 001-2024; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN RECEIPT OF DELIVERY
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 7) Proposed Ordering Document CPQ-3232432 with Oracle America, Inc., an independent contractor, containing nonstandard terms and conditions, amending the Scope of Use to support the increase in unique users and laboratory procedures, in an amount not to exceed \$2,399,400 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 002-2024; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN RECEIPT OF DELIVERY
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 8) Proposed acceptance of donation of travel and related expenses from Presidio Networked Solutions Group, Inc. and Cisco Systems for two Kern Medical Center employees to attend “Executive Briefing eXchange (EBX)” in San Francisco, California, and San Jose, California, from January 29-30, 2024 –
APPROVED; ADOPTED RESOLUTION 2024-002
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 9) Proposed retroactive Amendment No. 4 to Memorandum of Understanding 61320 with Kern Health Systems, an independent contractor, for the provision translation services to Kern Medical Center patients for the period December 14, 2020 through December 31, 2023, extending the term for one year from January 1, 2024 through December 31, 2024, and increasing the maximum payable by \$600,000, from \$1,625,000 to \$2,225,000, to cover the extended term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 003-2024
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 10) Proposed Quote W-SC-KernMC-Upgrade-4-24-2023 with NeurOptics, an independent contractor, containing nonstandard terms and conditions, for purchase of a pupillometer, in an amount not to exceed \$4,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 004-2024
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 11) Proposed Resolution revising the Kern County Hospital Authority Pension Plan for Physician Employees’ Pension Committee membership –
APPROVED; ADOPTED RESOLUTION 2024-003
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 12) Proposed Change Order No. 3 to Agreement 107-2022 with McMurtrey Lince, Inc., an independent contractor, increasing the maximum payable by \$113,510, from \$504,418 to \$617,928, to cover the cost of installing a medical gas system in the Emergency Department Isolation Room –
MADE 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 005-2024; AUTHORIZED CHIEF EXECUTIVE OFFICER TO APPROVE FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF \$103,191
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 13) Proposed retroactive Purchase Order with Heredia Cabling Solutions, an independent contractor, for emergency installation of a temporary nurse call system, effective December 11, 2023, in an amount not to exceed \$279,209 –
MADE 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 006-2024; AUTHORIZED CHIEF EXECUTIVE OFFICER TO APPROVE FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF \$253,826
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 14) Proposed Amendment No. 1 to Personal/Professional Services Agreement 05221 with Cal Kern Cabinets, Inc., an independent contractor, for manufacturing and installation of custom millwork for the period January 26, 2021 through January 25, 2024, extending the term for three years from January 26, 2024 through January 25, 2027 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 007-2024
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 15) Proposed Amendment No. 3 to Personal/Professional Services Agreement 56219 with R.F. MacDonald Co., Inc., an independent contractor, for boiler system maintenance and repair for the period December 13, 2019 through December 12, 2025, increasing the maximum payable by \$500,000, from \$1,000,000 to \$1,500,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 008-2024
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 16) Proposed Amendment No. 3 to Personal/Professional Services Agreement 21218 with Thyssenkrupp Elevator Corporation, an independent contractor, for elevator repair services for the period August 3, 2018 through June 30 2024, increasing the maximum payable by \$250,000, from \$480,000 to \$730,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 009-2024
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 17) Proposed Amendment No. 1 to Personal/Professional Services Agreement 137-2022 with Mesa Energy Systems, Inc., doing business as Emcor Services Hillcrest, an independent contractor, for HVAC maintenance and repair services for the period December 2, 2022 through December 1, 2025, increasing the maximum payable by \$500,000, from \$1,000,000 to \$1,500,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 010-2024
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 18) Proposed Amendment No. 1 to Personal/Professional Services Agreement 14221 with Viper Trailer Repair, LLC, an independent contractor, for MRI trailer maintenance services for the period March 15, 2021 through March 14, 2024, extending the term for three years from March 15, 2024 through March 14, 2027 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 011-2024
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

- CA
19) Proposed Amendment No. 3 to Agreement 006-2020 with Neurodiagnostic Workforce LLC, an independent contractor, for neurodiagnostic monitoring services for the period February 12, 2020 through February 11, 2022, extending the term for two years from February 12, 2024 through February 11, 2026, and increasing the maximum payable by \$900,000, from \$1,652,000 to \$2,552,000, to cover the extended term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 012-2024
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler
- CA
20) Proposed Amendment No. 2 to Agreement 052-2023 with Ralph Garcia-Pacheco Suarez, M.D., a contract employee, for professional medical services in the Department of Medicine for the period April 22, 2023 through April 21, 2026, adding an annual stipend of \$25,000 for services as Director, Ambulatory Clinical Development, and increasing the maximum payable by \$75,000, from \$2,175,000 to \$2,250,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 013-2024
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler
- CA
21) Proposed retroactive Amendment No. 4 to Agreement 2016-066 with Regional Anesthesia Associates, Inc., an independent contractor, for professional medical services in the Department of Anesthesia for the period November 9, 2016 through November 8, 2025, increasing the maximum payable by \$1,698,120, from \$22,806,681 to \$24,504,801, effective December 15, 2023, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 014-2024
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler
- CA
22) Proposed retroactive Agreement with Imtiaz A. Malik, M.D., an independent contractor, for professional medical services in the Department of Medicine from January 2, 2024 through January 1, 2026, in an amount not to exceed \$1,900,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 015-2024
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler
- CA
23) Proposed Renewal Subscription to License Agreement 04518 with Decision Resources Group, Inc., an affiliate of Clarivate PLC, on behalf of its Healthcare Business Insights Division, an independent contractor, for renewal of the Revenue Cycle Academy/E-Learning Membership, extending the term one year from February 12, 2024 through February 11, 2025, and increasing the maximum payable by \$30,356, from \$162,052 to \$192,408, to cover the extended term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 016-2024
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler
- CA
24) Proposed revisions to Compensation Administration Policy No. HRM-HR-500.01 for unrepresented employees –
APPROVED; DIRECTED STAFF TO IMPLEMENT CHANGES
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 25) Proposed Amendment No. 2 to Agreement 099-2023 with Alton Scott Thygerson, a contract employee, for professional services as chief executive officer of Kern County Hospital Authority, adding a succession plan for the chief executive officer position – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 017-2024
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 26) Proposed annual report on the structural performance of Kern Medical Center buildings in compliance with Health and Safety Code section 130066.5 – RECEIVED AND FILED
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

- 27) Presentation on Draft Report of Independent Auditors from Moss Adams LLP regarding the audit of Kern Medical Center financial statements for the fiscal year ended June 30, 2023 – HEARD PRESENTATION; RECEIVED AND FILED; REFERRED TO KERN COUNTY BOARD OF SUPERVISORS SUBJECT TO FINAL QUALITY CONTROL REVIEW AND APPROVAL BY MOSS ADAMS LLP
Pollard-Berjis: 6 Ayes; 1 Absent - Bigler

- 28) Proposed report on the status of the Kern Medical Center Electronic Health Record – RECEIVED AND FILED
Neal-Pelz: 6 Ayes; 1 Absent - Bigler

- 29) Kern County Hospital Authority Chief Financial Officer report – RECEIVED AND FILED
Pollard-Zervis: 6 Ayes; 1 Absent - Bigler

- 30) Kern County Hospital Authority Chief Executive Officer report – RECEIVED AND FILED
Pelz-Berjis: 6 Ayes; 1 Absent - Bigler

CA

- 31) Monthly report on What's Happening at Kern Medical Center – RECEIVED AND FILED
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

CA

- 32) Claims and Lawsuits Filed as of December 31, 2023 – RECEIVED AND FILED
Pelz-Zervis: 6 Ayes; 1 Absent - Bigler

ADJOURNED TO CLOSED SESSION
Berjis-Pollard

CLOSED SESSION

- 33) 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
- 34) 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: Elva Lopez, M.D. – SEE RESULTS BELOW
- 35) Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 36) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION
(Government Code Section 54956.9(d)(1)) Name of case: Kern County Hospital Authority, Petitioner, v. Public Employment Relations Board, Respondent (Service Employees International Union, Local 521, Real Party in Interest; PERB Unfair Practice Charge No. LA-CE-1451-M), Fifth District Court of Appeal Case No. F085586 – SEE RESULTS BELOW
- 37) 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-1573-M – SEE RESULTS BELOW
- 38) 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-1599-M – SEE RESULTS BELOW
- 39) 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-1624-M – SEE RESULTS BELOW
- 40) 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-1661-M – SEE RESULTS BELOW
- 41) 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-1670-M – SEE RESULTS BELOW

- 42) 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-1683-M – SEE RESULTS BELOW
- 43) 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

RECONVENED FROM CLOSED SESSION
Zervis-Pollard

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item 33 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 34 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: Elva Lopez, M.D. – HEARD; NO REPORTABLE ACTION TAKEN

Item 35 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 36 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Kern County Hospital Authority, Petitioner, v. Public Employment Relations Board, Respondent (Service Employees International Union, Local 521, Real Party in Interest; PERB Unfair Practice Charge No. LA-CE-1451-M), Fifth District Court of Appeal Case No. F085586 – HEARD; NO REPORTABLE ACTION TAKEN

Item 37 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-1573-M – HEARD; NO REPORTABLE ACTION TAKEN

Item 38 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-1599-M – HEARD; NO REPORTABLE ACTION TAKEN

Item 39 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-1624-M – HEARD; NO REPORTABLE ACTION TAKEN

Item 40 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-1661-M – HEARD; NO REPORTABLE ACTION TAKEN

Item 41 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-1670-M – HEARD; NO REPORTABLE ACTION TAKEN

Item 42 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-1683-M – HEARD; NO REPORTABLE ACTION TAKEN

Item 43 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

ADJOURNED TO WEDNESDAY, FEBRUARY 21, 2024 AT 11:30 A.M.

Pollard



/s/ Mona A. Allen
Authority Board Coordinator



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