



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, March 15, 2023

11:30 A.M.

BOARD RECONVENED

Board Members: Alsop, Berjis, Bigler, Brar, McLaughlin, Pelz
Roll Call: 4 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.

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!**

JESSICA ORTEGA, RN, HEARD REGARDING THE TERMINATION OF HER EMPLOYMENT; CHRISTOPHER HARKINS, CLINICAL NURSE LEADER, HEARD REGARDING WORKING CONDITIONS, TURNOVER, MANAGEMENT, AND CULTURE OF NURSING IN THE EMERGENCY DEPARTMENT, AND THE DECISION TO PLACE HIM ON ADMINISTRATIVE LEAVE AND TRANSFER HIM TO A DIFFERENT DEPARTMENT

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

RECOGNITION

- 3) Presentation by the Chief Executive Officer recognizing Erica Easton, President, Kern Medical Center Foundation, for her dedication and service to the community and Kern Medical Center –
PRESENTATION MADE; DIRECTOR BERJIS HEARD

ITEMS FOR CONSIDERATION

CA

- 4) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on February 15, 2023 and special meeting on February 22, 2023 –
APPROVED
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar

CA

- 5) Proposed retroactive appointment of Amber L. Jones, D.O., as Program Director, Department of Surgery, Residency Training Program, effective May 1, 2022, for an initial appointment of six years –
MADE APPOINTMENT
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar

CA

- 6) Proposed Master Software and Services Agreement with 3M Health Information Systems, Inc., an independent contractor, containing nonstandard term and conditions, for coding and reimbursement software from August 28, 2023 through August 27, 2028, in an amount not to exceed \$3,546,763 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 025-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar

CA

- 7) Request to increase maximum payable to Agreement 010-2019 with Dell Financial Services, LLC, an independent contractor, by \$30,456, from \$850,187 to \$880,643, plus tax and fees –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 026-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar

- CA
8) Proposed RMA Quote 2003223301983-02 with Presidio Networked Solutions Group, LLC, an independent contractor, for exchange of network infrastructure equipment under the terms and conditions of Master Services Agreement 053-2018, at no additional cost – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 027-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FOR RECEIPT OF DELIVERY
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- CA
9) Proposed Amendment No. 3 to Master Service Agreement 30718 with JDM Solutions, Inc., an independent contractor, for professional consulting services related to the Cerner Millennium project, for the period November 21, 2018 through April 30, 2023, extending the term for one year through April 30, 2024, and increasing the maximum payable by \$334,880, from \$2,900,300 to \$3,235,180, to cover the extended term – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 028-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- CA
10) Proposed renewal and binding of all-risk property insurance through PRISM and earthquake coverage through Specialty Risk Underwriters and Evanston Insurance Company from March 31, 2023 through March 31, 2024, with an option to finance the earthquake premium through Bank Direct Capital Finance, in an amount not to exceed \$727,862 – APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN THE PREMIUM FINANCE AGREEMENT-PROMISSORY NOTE 029-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- CA
11) Proposed Resolution in the matter of revising the extension of excess medical professional liability coverage for Kern Medical Center employed and independent contractor physicians, effective March 15, 2023 – APPROVED; ADOPTED RESOLUTION 2023-003
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- CA
12) Proposed acceptance of donation of travel and related expenses from Safety National and MedPro for one Kern Medical Center employee to attend “The 30th Annual California DWC Workers’ Compensation Education Conference” in Los Angeles, California, from March 23-24, 2023 – APPROVED; ADOPTED RESOLUTION 2023-004
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- CA
13) Proposed acceptance of donation of travel and related expenses from Safety National and MedPro for one Kern Medical Center employee to attend “ASHRM Academy 2023” in Fort Lauderdale, Florida, from April 24-29, 2023 – APPROVED; ADOPTED RESOLUTION 2023-005
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar

CA

- 14) Proposed Certification of Medical Necessity for BD Alaris™ System Infusion Pump – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 030-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar

CA

- 15) Proposed Quote 6900694186 with Getinge USA Sales, LLC, an independent contractor, containing nonstandard terms and conditions, for purchase of vascular grafts from March 15, 2023 through March 14, 2026, in an amount not to exceed \$60,000 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 031-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar

CA

- 16) Proposed Master Agreement with Protenus, Inc., an independent contractor, containing nonstandard terms and conditions, for access to Healthcare Analytics Platform from March 15, 2023 through March 14, 2026, in an amount not to exceed \$105,000 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN 032-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar

CA

- 17) Proposed Agreement with James E. Thompson, Inc., doing business as JTS Construction, an independent contractor, for construction services related to relocation of the Nurse Staffing Office, effective March 15, 2023, in an amount not to exceed \$96,800 – MADE FINDING PROJECT IS EXEMPT FROM FURTHER CEQA REVIEW PER SECTIONS 15301 AND 15061(b)(3) OF STATE CEQA GUIDELINES; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 033-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO APPROVE ANY FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF \$88,000
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar

CA

- 18) Proposed Amendment No. 1 to Agreement 10021 with Brian Sessions, doing business as Skycon Electric, an independent contractor, for electrical and maintenance repair services, for the period February 12, 2021 through February 11, 2024, extending the term for three years from February 12, 2024 through February 11, 2027, increasing the maximum payable by \$645,000, from \$105,000 to \$750,000, to cover the extended term – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 034-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar

CA

- 19) Proposed Amendment No. 4 to Agreement 07816 with Paul Dhanens Architect, Inc., an independent contractor, for architectural design services, for the period July 1, 2016 through June 30, 2023, extending the term for two years from July 1, 2023 through June 30, 2025 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 035-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar

- CA
20) Proposed retroactive Transfer Agreement with Fresno Community Hospital and Medical Center, doing business as Community Medical Centers, an independent contractor, containing nonstandard terms and conditions, to effectuate patient transfers from February 27, 2023 through February 26, 2026 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 036-2025
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- CA
21) Proposed Amendment No. 4 to Agreement 873-2015 with Jeffrey G. Nalesnik, M.D., a contract employee, for professional medical and administrative services in the Department of Surgery, for the period January 1, 2016 through December 31, 2025, increasing the maximum vacation accrual from 280 hours to 320 hours, effective March 15, 2023 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 037-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- CA
22) Proposed Agreement with Omni Family Health, an independent contractor, for professional medical services of Kern Medical Center physicians from March 15, 2023 through March 14, 2028 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 038-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- CA
23) Proposed Agreement with Matthew M. Malerich, M.D., Incorporated, an independent contractor, for professional medical services in the Department of Surgery from April 9, 2023 through April 8, 2025, in an amount not to exceed \$1,200,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 039-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- CA
24) Proposed Agreement with Desert Hand and Plastic Surgery PC, an independent contractor, for professional medical services in the Department of Surgery from April 9, 2023 through April 8, 2025, in an amount not to exceed \$1,200,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 040-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- CA
25) Proposed Agreement with Tarun Rustagi, M.D., a contract employee, for professional medical and administrative services in the Department of Medicine from March 16, 2023 through March 15, 2024, in an amount not to exceed \$1,340,000, plus applicable benefits –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 041-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar

- CA
26) Proposed Second Amendment to Agreement 074-2021 with Adventist Health Physicians Network, an independent contractor, for professional medical services of Kern Medical Center physicians, for the period January 1, 2022 through December 31, 2031, adding the specialties of endocrinology and gastroenterology and compensation for the professional services provided by Kern Medical Center physicians, effective March 16, 2023 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 042-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- 27) Proposed Agreement with Pinnacle Women’s Health Group, Inc., an independent contractor, for purchase of the medical practice and business assets, in an amount not to exceed \$1,339,000, effective March 15, 2023 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 043-2023
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- 28) Proposed Agreement with Juan M. Lopez, M.D., a contract employee, for professional medical and administrative services in the Department of Obstetrics and Gynecology from March 15, 2023 through March 14, 2028, in an amount not to exceed \$3,250,000, plus applicable benefits –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 044-2023
Pelz-McLaughlin: 4 Ayes; 2 Absent - Alsop, Brar
- 29) Report on Kern Medical Center Accreditation Council Graduate Medical Education Institutional Self Study –
Pelz-McLaughlin: 4 Ayes; 2 Absent - Alsop, Brar
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT
- 30) Kern County Hospital Authority Chief Financial Officer report –
CHIEF FINANCIAL OFFICER ANDREW CANTU HEARD; RECEIVED AND FILED
McLaughlin-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- 31) Kern County Hospital Authority Chief Executive Officer report –
CHIEF EXECUTIVE OFFICER SCOTT THYGERSON HEARD; CHAIRMAN BIGLER COMMENTED ON REIMBURSEMENT CHALLENGES; RECEIVED AND FILED
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- CA
32) Monthly report on What’s Happening at Kern Medical Center –
RECEIVED AND FILED
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- CA
33) Miscellaneous Correspondence as of February 28, 2023 –
RECEIVED AND FILED
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar
- CA
34) Claims and Lawsuits Filed as of February 28, 2023 –
RECEIVED AND FILED
Berjis-Pelz: 4 Ayes; 2 Absent - Alsop, Brar

ADJOURNED TO CLOSED SESSION

McLaughlin-Pelz

CLOSED SESSION

- 35) Request for Closed Session regarding peer review of health practitioners (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: Service Employees International Union, Local 521 Plaintiff/Petitioner, v. Kern County Hospital Authority, Kern Medical Surgery Center, LLC, and DOES 1-25, Defendants/ Respondents, Kern County Superior Court Case No. BCV-22-101782 JEB – SEE RESULTS BELOW
- 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-1580-M – SEE RESULTS BELOW
- 38) 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
- 39) 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
- 40) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – SEE RESULTS BELOW

RECONVENED FROM CLOSED SESSION

Berjis-McLaughlin

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item No. 35 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 MCLAUGHLIN, SECOND BY DIRECTOR PELZ; 2 ABSENT - ALSOP, BRAR), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE OF PROCTORING, VOLUNTARY RESIGNATION OF PRIVILEGES, AND AUTOMATIC TERMINATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

- 36) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Service Employees International Union, Local 521 Plaintiff/Petitioner, v. Kern County Hospital Authority, Kern Medical Surgery Center, LLC, and DOES 1-25, Defendants/ Respondents, Kern County Superior Court Case No. BCV-22-101782 JEB – HEARD; NO REPORTABLE ACTION TAKEN

- 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-1580-M – HEARD; NO REPORTABLE ACTION TAKEN
- 38) 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
- 39) Request for Closed Session for the purpose of discussion or taking action on authority trade secrets (Health and Safety Code Section 101855(e)(1)) – NOT HEARD
- 40) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, APRIL 19, 2023 AT 11:30 A.M.

Pelz



/s/ Mona A. Allen
Authority Board Coordinator



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