



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, April 19, 2023

11:30 A.M.

BOARD RECONVENED

Board Members: Alsop, Berjis, Bigler, Brar, McLaughlin, Pelz
Roll Call: 5 Present; 1 Absent - Alsop

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!**

MELISSA COTERA, RN, HEARD REGARDING THE TOXIC CULTURE OF NURSING LEADERSHIP, HOSTILE WORK ENVIRONMENT, AND RETALIATION, AND HER REQUEST TO THE BOARD TO MITIGATE THESE FACTORS AND HOLD NURSING LEADERSHIP ACCOUNTABLE; CHRISTOPHER OGDEN HARKINS, CLINICAL NURSE LEADER, SEIU 521 MEMBER, AND UNION STEWARD, HEARD REGARDING STAFFING, VACANT POSITIONS, AND PATIENT SAFETY ISSUES IN THE EMERGENCY DEPARTMENT, HIS TRANSFER FROM THE EMERGENCY DEPARTMENT TO AN OUTPATIENT CLINIC, AND HIS REQUEST FOR ACTION TO MITIGATE STAFFING CONCERNS; ANA PLACIO, CLINICAL NURSE LEADER IN THE EMERGENCY DEPARTMENT AND UNION MEMBER, HEARD REGARDING QUALITY OF CARE AND PATIENT SAFETY ISSUES IN THE EMERGENCY DEPARTMENT, STAFF TURNOVER THROUGHOUT THE HOSPITAL, THE ONGOING USE OF TRAVELERS, THE INABILITY TO ATTRACT QUALIFIED CANDIDATES FOR CLINICAL LEADERSHIP POSITIONS, AND STAFF COMPLAINTS OF HARASSMENT, INTIMIDATION, AND RETALIATION; NYDIA MADERA HEARD REGARDING STAFFING AND QUALITY OF CARE ISSUES ON THE 3D NURSING UNIT; PATRICIA BALDIVIA HEARD REGARDING STAFFING ISSUES, STAFF RETENTION, LACK OF RESOURCES, WORKING CONDITIONS, AND QUALITY OF CARE; TODD CAREY, SENIOR FOOD SERVICE WORKER AND SEIU 521 MEMBER, HEARD REGARDING ALLEGATIONS OF OVERPAYMENTS OF \$23 MILLION TO MERIDIAN HEALTHCARE PARTNERS AND CANTU MANAGEMENT GROUP AND HIS REQUEST TO THE BOARD TO EXERCISE ITS FIDUCIARY RESPONSIBILITY OVER BILLING, STAFFING, AND PATIENT SAFETY

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 FIRST CAREER PATHWAYS CONFERENCE AT BAKERSFIELD COLLEGE, AND REMINDED THE BOARD OF THE 4TH ANNUAL SOUTHERN SAN JOAQUIN VALLEY REGIONAL RESEARCH FORUM AT BAKERSFIELD COLLEGE ON THURSDAY, MAY 25, 2023 AT 5:00 P.M., AND THE 67TH RECOGNITION DINNER FOR GRADUATING RESIDENTS AND FELLOWS AT THE IRON LILY ON THURSDAY, JUNE 8, 2023 AT 5:00 P.M.

ITEMS FOR CONSIDERATION

CA

- 3) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on March 15, 2023 –
APPROVED
Pelz-Brar: 5 Ayes; 1 Absent - Alsop

CA

- 4) Proposed reappointment of Director Amir Berjis, M.D., to the Kern County Hospital Authority Board of Governors, term to expire June 30, 2026 –
REFERRED TO KERN COUNTY BOARD OF SUPERVISORS TO MAKE APPOINTMENT
Pelz-Brar: 5 Ayes; 1 Absent - Alsop

CA

- 5) Proposed Engagement Letter from Moss Adams LLP, an independent contractor, regarding the audit of Kern Medical Center financial statements for the fiscal year ending June 30, 2023, in an amount not to exceed \$211,350 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN
Pelz-Brar: 5 Ayes; 1 Absent - Alsop

CA

- 6) Proposed Amendment No. 3 to Personal/Professional Services Agreement 17018 with NLeader Group, LLC, an independent contractor, for consulting services for the Medi-Cal Administrative Activities program, for the period July 1, 2018 through June 30, 2023, extending the term for two years from July 1, 2023 through June 30, 2025, and increasing the maximum payable by \$70,000, from \$105,000 to \$175,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 045-2023
Pelz-Brar: 5 Ayes; 1 Absent - Alsop

CA

- 7) Proposed Master Services Agreement with Lenovo (United States) Inc., an independent contractor, containing nonstandard terms and conditions, for contingency purchase of computers, hardware and software from April 19, 2023 through April 18, 2026, in an estimated amount not to exceed \$1,500,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 046-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO APPROVE FUTURE PURCHASE ORDERS
Pelz-Brar: 5 Ayes; 1 Absent - Alsop

CA

- 8) Proposed Telecommunications Services Request to Agreement 013-2028 with Charter Communications Operating, LLC, an independent contractor, for the connection of a new network circuit for the testing and education center from April 19, 2023 through April 18, 2028, in an amount not to exceed \$42,900 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 047-2023
Pelz-Brar: 5 Ayes; 1 Absent - Alsop

CA

- 9) Proposed 85Order Form with Inmar Rx Solutions, Inc., an independent contractor, containing nonstandard terms and conditions, for pharmaceutical compliance software from April 19, 2023 through April 18, 2024, in an amount not to exceed \$10,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 048-2023
Pelz-Brar: 5 Ayes; 1 Absent - Alsop

CA

- 10) Proposed Amendment No. 1 to Agreement 034-2022 with Antony Minasaghanian, M.D., a contract employee, for professional medical services in the Department of Radiology, for the period June 8, 2022 through June 7, 2027, increasing the annual salary for a period of one year by \$75,000, and increasing the maximum payable by \$75,000, from \$4,050,000 to \$4,125,000, to cover the term, effective May 1, 2023 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 049-2023
Pelz-Brar: 5 Ayes; 1 Absent - Alsop

- CA
11) Proposed Master Services and License Agreement with Vendor Credentialing Service LLC, doing business as symplr, an independent contractor, containing nonstandard terms and conditions, for use of clinical and quality measuring compliance software from April 19, 2023 through April 18, 2026, in an amount not to exceed \$146,000, plus applicable taxes and travel expenses –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 050-2023
Pelz-Brar: 5 Ayes; 1 Absent - Alsop
- CA
12) Proposed acceptance of donation of travel and related expenses from Health Connect Partners for one Kern Medical Center employee to attend HCP23 Hospital Pharmacy Spring Conference in Indianapolis, Indiana, from May 22-24, 2023 –
APPROVED; ADOPTED RESOLUTION 2023-006
Pelz-Brar: 5 Ayes; 1 Absent - Alsop
- CA
13) Proposed Agreement with Arturo Gomez, M.D., a contract employee, for professional medical and administrative services in the Department of Surgery, Division of Orthopedic Surgery from April 22, 2023 through April 21, 2026, in an amount not to exceed \$4,500,000, plus applicable benefits –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 051-2023
Pelz-Brar: 5 Ayes; 1 Absent - Alsop
- CA
14) Proposed Agreement with Ralph Garcia-Pacheco Suarez, M.D., a contract employee, for professional medical and administrative services in the Department of Medicine from April 22, 2023 through April 21, 2026, in an amount not to exceed \$2,100,000, plus applicable benefits –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 052-2023
Pelz-Brar: 5 Ayes; 1 Absent - Alsop
- CA
15) Proposed Agreement with Ayham Aboeed, M.D., a contract employee, for professional medical services in the Department of Medicine, from April 22, 2023 through April 21, 2026, in an amount not to exceed \$2,000,000, plus applicable benefits –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 053-2023
Pelz-Brar: 5 Ayes; 1 Absent - Alsop
- CA
16) Proposed Amendment No. 2 to Agreement 07820 with Paola A. Rosa, D.O., a contract employee, for professional services in the Department of Obstetrics and Gynecology, for the period June 6, 2020 through June 5, 2023, extending the term from June 6, 2023 through July 7, 2023, and increasing the maximum payable by \$40,000, from \$1,300,000 to \$1,340,000, to cover the extended term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 054-2023
Pelz-Brar: 5 Ayes; 1 Absent - Alsop

- CA
17) Proposed Agreement with Mark Wattenbarger Construction, Inc., an independent contractor, for modifications in the Laboratory Department to accommodate new equipment, effective April 19, 2023, in an estimated amount not to exceed \$75,053 –
MADE FINDING PROJECT IS EXEMPT FROM FURTHER CEQA REVIEW PER SECTIONS 15301, 1502 AND 15061(b)(3) OF STATE CEQA GUIDELINES; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 055-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO APPROVE ANY FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF \$68,230
Pelz-Brar: 5 Ayes; 1 Absent - Alsop
- CA
18) Proposed Master Agreement with TELCOR Inc, an independent contractor, containing nonstandard terms and conditions, for purchase of an interface system for point of care devices, effective April 19, 2023, in an amount not to exceed \$82,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 056-2023
Pelz-Brar: 5 Ayes; 1 Absent - Alsop
- CA
19) Proposed Amendment No. 4 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, 2024, increasing the maximum payable by \$358,200, from \$3,235,180 to \$3,593,380, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 057-2023
Pelz-Brar: 5 Ayes; 1 Absent - Alsop
- CA
20) Proposed recommendation to Kern County Board of Supervisors to appoint Cynthia D. Pollard, a qualified candidate, to the Kern County Hospital Authority Board of Governors to fill the community at large member vacancy created by the resignation of Jacqui Kitchen, term to expire June 30, 2024 –
MADE RECOMMENDATION; REFERRED TO KERN COUNTY BOARD OF SUPERVISORS TO MAKE APPOINTMENT
Pelz-Brar: 5 Ayes; 1 Absent - Alsop
- CA
21) Kern County Hospital Authority Chief Financial Officer report –
RECEIVED AND FILED
Pelz-Brar: 5 Ayes; 1 Absent - Alsop
- CA
22) Kern County Hospital Authority Chief Executive Officer report –
RECEIVED AND FILED
Pelz-Brar: 5 Ayes; 1 Absent - Alsop
- CA
23) Monthly report on What's Happening at Kern Medical Center –
RECEIVED AND FILED
Pelz-Brar: 5 Ayes; 1 Absent - Alsop

CA

- 24) Claims and Lawsuits Filed as of March 31, 2023 –
RECEIVED AND FILED
Pelz-Brar: 5 Ayes; 1 Absent - Alsop

ADJOURNED TO CLOSED SESSION

Pelz-Berjjs

CLOSED SESSION

- 25) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 26) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: United States ex rel. Collado, Plaintiff v. Bracco, U.S.A., Inc., et al., Defendants, United States District Court, District of New Jersey, Case No. 2:20-cv-08719-EP-JSA – SEE RESULTS BELOW
- 27) 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-1633-M – SEE RESULTS BELOW
- 28) 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
- 29) 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
- 30) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – SEE RESULTS BELOW
- 31) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Vice President & General Counsel Karen S. Barnes, and designated staff - Unrepresented Employee: Chief Executive Officer (Government Code Section 54957.6) – SEE RESULTS BELOW
- 32) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Vice President & General Counsel Karen S. Barnes, and designated staff - Unrepresented Employee: Chief Financial Officer (Government Code Section 54957.6) – SEE RESULTS BELOW

RECONVENED FROM CLOSED SESSION

Berjis-Brar

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item No. 25 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 BERJIS, SECOND BY DIRECTOR MCLAUGHLIN; 1 ABSENT - ALSOP) THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE OF PROCTORING, REQUEST ADDITIONAL PRIVILEGES, AND VOLUNTARY RESIGNATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item No. 26 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: United States ex rel. Collado, Plaintiff v. Bracco, U.S.A., Inc., et al., Defendants, United States District Court, District of New Jersey, Case No. 2:20-cv-08719-EP-JSA – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 27 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-1633-M – NOT HEARD

Item No. 28 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

Item No. 29 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

Item No. 30 concerning PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 31 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Vice President & General Counsel Karen S. Barnes, and designated staff - Unrepresented Employee: Chief Executive Officer (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 32 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Vice President & General Counsel Karen S. Barnes, and designated staff - Unrepresented Employee: Chief Financial Officer (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, MAY 17, 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