



## SUMMARY OF PROCEEDINGS

### KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS

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

Regular Meeting  
Wednesday, August 18, 2021

11:30 A.M.

#### BOARD RECONVENED

Board Members: Alsop, Berjis, Bigler, Brar, Kitchen, McLaughlin, Pelz  
Roll Call: 5 Present; 2 Absent - Kitchen, McLaughlin

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

NOTE: DIRECTOR MCLAUGHLIN ARRIVED AFTER THE VOTE ON THE CONSENT AGENDA AND PRIOR TO THE VOTE ON AGENDA ITEM 16

#### 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 PROVIDED AN OVERVIEW OF THE UNDERGRADUATE MEDICAL EDUCATION PROGRAM AT KERN MEDICAL CENTER AND THANKED STAFF FOR THEIR EFFORTS TO BRING THIS VITAL PROGRAM TO FRUITION; CHAIRMAN BIGLER ALSO THANKED INVOLVED STAFF**

RECOGNITION

- 3) Presentation by the President, Hospital and Clinic Operations recognizing the contributions of Kern Medical Center employees upon the hospital's receipt of the PRISM Eagle Award for Excellence in Development and Implementation of COVID-19 Programs and Resources –  
MADE PRESENTATION

ITEMS FOR CONSIDERATION

CA

- 4) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on July 14, 2021 –  
APPROVED  
**Pelz-Brar: 5 Ayes; 2 Absent - Kitchen, McLaughlin**

CA

- 5) Proposed retroactive Amendment No. 1 to Memorandum of Understanding 61320 with Kern Health Systems, an independent contractor, for translation services for Kern Medical Center patients, for the period December 14, 2020 through June 13, 2021, extending the term for six months from June 14, 2021 through December 13, 2021, in an amount not to exceed \$425,000 to cover the term –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 043-2021  
**Pelz-Brar: 5 Ayes; 2 Absent - Kitchen, McLaughlin**

CA

- 6) Proposed Agreement with InTouch Technologies, Inc., doing business as Teladoc Health, an independent contractor, for purchase of equipment to aid in the rapid diagnosis of patients with suspected stroke from August 18, 2021 through August 17, 2024, in an amount not to exceed \$116,760 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 044-2021  
**Pelz-Brar: 5 Ayes; 2 Absent - Kitchen, McLaughlin**

CA

- 7) Proposed retroactive Amendment No. 1 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, 2022, extending the term for three years from January 1, 2023 through December 31, 2025, and increasing the maximum payable by \$2,550,000, from \$6,424,358 to \$8,974,358, to cover the extended term, effective August 3, 2021 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 045-2021  
**Pelz-Brar: 5 Ayes; 2 Absent - Kitchen, McLaughlin**

CA

- 8) Proposed retroactive Amendment No. 4 to Agreement 161-2016 with Valley Children's Medical Group, Inc., an independent contractor, for on-site consultation services to pediatric patients for the period August 2, 2015 through August 1, 2021, extending the term for one year from August 2, 2021 through August 1, 2022, and increasing the maximum payable by \$180,000, from \$969,000 to \$1,149,000, to cover the extended term, effective August 2, 2021 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 046-2021  
**Pelz-Brar: 5 Ayes; 2 Absent - Kitchen, McLaughlin**

CA

- 9) Proposed Amendment No. 1 to Agreement 052-2019 with Pacific Gynecologic Specialists, an independent contractor, for professional medical services in the Department of Obstetrics and Gynecology for the period September 1, 2019 through August 31, 2021, extending the term for two years from September 1, 2021 through August 31, 2023, and increasing the maximum payable by \$800,000, from \$800,000 to \$1,600,000, to cover the extended term –  
APPROVED; AUTHORIZE CHAIRMAN TO SIGN AGREEMENT 047-2021  
**Pelz-Brar: 5 Ayes; 2 Absent - Kitchen, McLaughlin**

CA

- 10) Proposed Agreement with Frank W. Sabatelli, M.D., a contract employee, for professional medical services in the Department of Radiology from August 28, 2021 through August 27, 2024, in an amount not to exceed \$2,350,000 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 048-2021  
**Pelz-Brar: 5 Ayes; 2 Absent - Kitchen, McLaughlin**

CA

- 11) Proposed retroactive Amendment No. 2 to Agreement 716-2016 with the County of Kern for health care services, finance and support, reducing the total exposure of the County to obligations associated with Cost Reports for the reporting years ending 2012 and payment of \$12,428,671 for amounts associated with reporting years ending in 2012 or before that were refunded to the Kern County Hospital Authority, effective August 10, 2021 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 049-2021  
**Pelz-Brar: 5 Ayes; 2 Absent - Kitchen, McLaughlin**

CA

- 12) Proposed retroactive Grant Agreement with the County of Kern to provide funding made available through the American Rescue Plan Act of 2021 to respond to the direct public health emergency and economic impacts of COVID-19 from March 3, 2021 through December 31, 2024, in an amount not to exceed \$10,000,000, effective August 10, 2021 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 050-2021  
**Pelz-Brar: 5 Ayes; 2 Absent - Kitchen, McLaughlin**

- CA  
13) Proposed rescission of Amendment No. 2 to Agreement 147-2019 with the County of Kern, as represented by the County Administrative Office and Kern County Sheriff's Office, for the provision of health care services to in-custody adult inmates detained in the Kern Justice Facility –  
APPROVED  
**Pelz-Brar: 5 Ayes; 2 Absent - Kitchen, McLaughlin**
- CA  
14) Proposed retroactive Agreement with the County of Kern, as represented by the County Administrative Office and Kern County Sheriff's Office, for the provision of health care services to in-custody adult inmates detained in the Kern Justice Facility from July 1, 2021 through June 30, 2022 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 051-2021  
**Pelz-Brar: 5 Ayes; 2 Absent - Kitchen, McLaughlin**
- CA  
15) Proposed acceptance of donation from Safety National for travel and related expenses for one Kern Medical Center employee to attend "The Workers' Compensation & Risk Conference" in Dana Point, California, from September 7-10, 2021 –  
APPROVED; ADOPTED RESOLUTION 2021-007  
**Pelz-Brar: 5 Ayes; 2 Absent - Kitchen, McLaughlin**
- 16) Kern County Hospital Authority financial report –  
RECEIVED AND FILED  
**Berjis-McLaughlin: 6 Ayes; 1 Absent - Kitchen**
- 17) Kern County Hospital Authority Chief Executive Officer report –  
RECEIVED AND FILED  
**Brar-McLaughlin: 6 Ayes; 1 Absent - Kitchen**
- CA  
18) Claims and Lawsuits Filed as of July 31, 2021 –  
RECEIVED AND FILED  
**Pelz-Brar: 5 Ayes; 2 Absent - Kitchen, McLaughlin**

ADJOURNED TO CLOSED SESSION  
**Pelz-Berjis**

CLOSED SESSION

- 19) Request for Closed Session regarding peer review of health practitioners (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: Adria Ottoboni v. Kern County Hospital Authority, a public entity; and Does 1 through 50, inclusive, Kern County Superior Court Case No. BCV-19-102820 – SEE RESULTS BELOW

- 21) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Government Code Section 54956.9(d)(1)) Name of case: Tyler Andrews, an individual v. Kern County Hospital Authority, a public agency that is a local unit of government, which owns and operates Kern Medical Center; and DOES 1 through 100, inclusive, Kern County Superior Court Case No. BCV-19-103529 TSC – SEE RESULTS BELOW
- 22) 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  
**Pelz-Berjis**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item No. 19 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 BRAR; 1 ABSENT - DIRECTOR KITCHEN), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, REVIEW/RELEASE OF PROCTORING, VOLUNTARY RESIGNATION OF PRIVILEGES, AND AUTOMATIC TERMINATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item No. 20 concerning CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Adria Ottoboni v. Kern County Hospital Authority, a public entity; and Does 1 through 50, inclusive, Kern County Superior Court Case No. BCV-19-102820 – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 21 concerning CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Tyler Andrews, an individual v. Kern County Hospital Authority, a public agency that is a local unit of government, which owns and operates Kern Medical Center; and DOES 1 through 100, inclusive, Kern County Superior Court Case No. BCV-19-103529 TSC – HEARD; HEARD; BY A UNANIMOUS VOTE OF THOSE DIRECTORS PRESENT (MOTION BY DIRECTOR PELZ, SECOND BY DIRECTOR BERJIS; 1 ABSENT - DIRECTOR KITCHEN), THE BOARD AUTHORIZED COUNSEL TO FILE A PETITION FOR WRIT OF MANDATE FROM A DECISION OF THE TRIAL COURT TO DENY THE AUTHORITY'S MOTION FOR SUMMARY JUDGMENT; NO OTHER REPORTABLE ACTION TAKEN

Item No. 22 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, SEPTEMBER 15, 2021 AT 11:30 A.M.  
**Alsop**



/s/ Mona A. Allen  
Authority Board Coordinator



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