



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, September 18, 2024

11:30 A.M.

BOARD RECONVENED

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

NOTE: The vote is displayed in bold below each item. For example, Berjis-Pelz denotes Director Berjis made the motion and Director Pelz 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

RECOGNITION

- 1) Presentation by the Chief Executive Officer recognizing employees from the Case Management and Social Services Departments –
CHIEF EXECUTIVE OFFICER SCOTT THYGERSON MADE PRESENTATION;
NICHOLAS SIEWELL, MSW, LCSW, DIRECTOR, SOCIAL SERVICES HEARD REGARDING SERVICES PROVIDED BY THE SOCIAL SERVICES DEPARTMENT;
CARYN GRAHAM, RN, CCM, DIRECTOR, CASE MANAGEMENT HEARD REGARDING THE CASE MANAGEMENT FUNCTION AT KERN MEDICAL

PUBLIC PRESENTATIONS

- 2) 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

- 3) 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 HEARD REGARDING THE INAUGURAL JOINT MEETING OF CALIFORNIA STATE UNIVERSITY, BAKERSFIELD AND WESTERN UNIVERSITY OF HEALTH SCIENCES SCHOOL OF MEDICINE FOR RECRUITMENT OF UNDERGRADUATE STUDENTS INTO A NEW LOCAL PATHWAY TO MEDICINE PROGRAM WITH THE GOAL OF RETAINING FUTURE PHYSICIANS TO PRACTICE IN KERN COUNTY

INTRODUCTIONS

- 4) Introduction of Kern County Hospital Authority Board Member Nancy Anderson –
CHIEF EXECUTIVE OFFICER SCOTT THYGERSON MADE INTRODUCTION;
DIRECTOR ANDERSON HEARD

ITEMS FOR CONSIDERATION

CA

- 5) Minutes for the Kern County Hospital Authority Board of Governors meeting on August 21, 2024 –
APPROVED
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 6) Proposed Change Order No. 4 to Agreement 034-2024 with McMurtrey Lince, Inc., an independent contractor, for installation of an air handler in the Emergency Department Pediatric wing, increasing the maximum payable by \$416,405, from \$2,739,000 to \$3,398,010, to cover additional project costs –
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 158-2024; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF THE TOTAL CONTRACT PRICE
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 7) Proposed Agreement with McMurtrey Lince, Inc., an independent contractor, for installation of an air handler in the Pharmacy Department, in an amount not to exceed \$1,057,650, effective September 18, 2024, until project completion –
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 159-2024; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF THE TOTAL CONTRACT PRICE
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 8) Proposed Agreement with Nwestco, LLC, an independent contractor, for installation of an aboveground fuel tank, in an amount not to exceed \$213,342, effective September 18, 2024, until project completion –
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 160-2024; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF THE TOTAL CONTRACT PRICE
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 9) Proposed Amendment No. 1 to Agreement 51122 with Bakersfield Floor Covering, Inc., an independent contractor, for flooring repair and installation services for the period July 15, 2022 through July 14, 2025, increasing the maximum payable by \$300,000, from \$450,000 to \$750,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 161-2024
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 10) Proposed Amendment No. 1 to Agreement 04822 with Sierra School Equipment Company, an independent contractor, for upholstery repair and furniture installation for the period December 16, 2021 through December 15, 2024, extending the term three years from December 15, 2024 through December 15, 2027 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 162-2024
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 11) Proposed Amendment No. 1 to Agreement 64022 with J. Noble Binns Plumbing Co., Inc., an independent contractor, for emergency plumbing repair and maintenance for the period December 17, 2022 through December 16, 2025, increasing the maximum payable by \$200,000, from \$350,000 to \$550,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 163-2024
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 12) Proposed Sales Order Agreement with Alcon Vision, LLC, an independent contractor, containing nonstandard terms and conditions, for purchase of an Argos Biometer (retina scanner), in an amount not to exceed \$87,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 164-2024
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 13) Proposed Amendment No. 11 to Agreement 947-2008 with Toyon Associates, Inc., an independent contractor, for third-party reimbursement services for the period October 14, 2008 through October 13, 2024, extending the term for two years from October 14, 2024 through October 13, 2026, updating the service pricing, and increasing the maximum payable by \$950,000, from \$5,240,000 to \$6,190,000, to cover the extended term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 165-2024
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 14) Proposed Affiliation Agreement with OneLegacy, an independent contractor, containing nonstandard terms and conditions, for organ donation services for a term of three years from September 18, 2024 through September 17, 2027 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 166-2024
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 15) Proposed Group Pet Insurance Application with Independence American Insurance Company, an independent contractor, for voluntary election of employer group pet insurance administered by PetPartners, Inc., effective January 1, 2025 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 167-2024
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 16) Proposed Group Annual Term Life Insurance Renewal Offer with Voya/ReliaStar Life Insurance Company, an independent contractor, for company-sponsored life insurance coverage and voluntary election of supplemental life insurance options, effective January 1, 2025 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 168-2024
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 17) Proposed acceptance of donation of travel and related expenses from Central California Chapter of the Association of Women's Health, Obstetrics and Neonatal Nurses (AWHONN), for one Kern Medical Center employee to attend the 2024 California Leadership Development Conference from September 27-29, 2024, in Avila Beach, California –
APPROVED; ADOPTED RESOLUTION 2024-022
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 18) Proposed acceptance of donation of travel and related expenses from Teachers Insurance and Annuity Association of America (TIAA), for one Kern Medical Center employee to attend the TIAA Healthcare Advisory Council biannual meeting from October 8-9, 2024, in Boca Raton, Florida –
APPROVED; ADOPTED RESOLUTION 2024-023
Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 19) Proposed acceptance of donation of travel and related expenses from Public Risk Innovation, Solution, and Management (PRISM), for two Kern Medical Center employees to attend the PRISM Board of Directors meeting from October 2-4, 2024, in Fish Camp, California –
APPROVED; ADOPTED RESOLUTION 2024-024

Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 20) Proposed Ordering Document CPQ-3567345 with Oracle America, Inc., an independent contractor, containing nonstandard terms and conditions, for replacement of the Televoxx appointment reminder software from September 18, 2024 through December 31, 2027, in an amount not to exceed \$154,405 –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 169-2024

Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 21) Proposed Amendment 28 to Agreement 084-2017 with Oracle America, Inc., an independent contractor, for termination of Televoxx Messaging Services, effective September 18, 2024 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 170-2024

Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 22) Proposed Quote 2003224409634-03 with Presidio Networked Solutions Group, LLC, an independent contractor, containing nonstandard terms and conditions, for third-party purchase of expanded enterprise storage services from October 1, 2024 through September 30, 2029, in an amount not to exceed \$1,500,000 –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 171-2024

Pollard-Merz: 6 Ayes; 1 Absent - Neal

CA

- 23) Proposed Agreement with PNC Bank, National Association, an independent contractor, for the PNC Commercial Card Program with a maximum aggregate credit limit of \$250,000 – APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN AGREEMENT 172-2024; AUTHORIZED CHAIRMAN TO SIGN OFFICER'S CERTIFICATE

Pollard-Merz: 6 Ayes; 1 Absent - Neal

- 24) Proposed retroactive Amendment No. 1 to Agreement 117-2024 with Kern Medical Center Foundation for the provision of administrative management services, updating the staffing fee, and increasing the maximum payable by \$739,956 for the period August 1, 2024 through September 30, 2025, effective August 1, 2024 –

CHIEF TRANSFORMATION OFFICER ROBY HUNT HEARD REGARDING RETROACTIVITY OF ITEM 24 AND SOLUTION TO RESOLVING FUTURE RETROACTIVE AMENDMENTS FOR THIS AGREEMENT; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 173-2024

Anderson-Pollard: 6 Ayes; 1 Absent - Neal

- 25) Kern County Hospital Authority Chief Financial Officer report – CHIEF FINANCIAL OFFICER ANDREW CANTU HEARD; DIRECTOR MCLAUGHLIN HEARD REGARDING PLAN TO INCREASE CASH RESERVES; CHIEF EXECUTIVE OFFICER SCOTT HEARD IN RESPONSE; RECEIVED AND FILED

Pelz-Berjis: 6 Ayes; 1 Absent - Neal

- 26) Kern County Hospital Authority Chief Executive Officer report – CHIEF EXECUTIVE OFFICER SCOTT THYGERSON HEARD; RECEIVED AND FILED

Pollard-Pelz: 6 Ayes; 1 Absent - Neal

CA

- 27) Monthly report on What's Happening at Kern Medical Center –
RECEIVED AND FILED
Pollard-Merz: 6 Ayes; 1 Absent – Neal

CA

- 28) Claims and Lawsuits Filed as of August 31, 2024 –
RECEIVED AND FILED
Pollard-Merz: 6 Ayes; 1 Absent - Neal

ADJOURNED TO CLOSED SESSION
Pelz-Berjis

CLOSED SESSION

- 29) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 30) Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 31) 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
- 32) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Cynthia Gonzalez; Alejandro Gonzalez; and The Estate of Sergio Arturo Gonzalez, by and through its Successors-in-Interest, Cynthia Gonzalez and Alejandro Gonzalez, Plaintiffs, v. Kern Medical Center; Alexandra Neiman, M.D.; and DOES 1-100, inclusive, Defendants, Kern County Superior Court Case No. BCV-21-100289 – SEE RESULTS BELOW
- 33) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – SEE RESULTS BELOW
- 34) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(e)(3)) Number of cases: Three (3) 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

RECONVENED FROM CLOSED SESSION
Pollard-Berjis

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item 29 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 POLLARD, SECOND BY DIRECTOR PELZ; 1 ABSENT - NEAL), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE OF PROCTORING, AND VOLUNTARY RESIGNATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item 30 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 31 concerning 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

Item 32 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Cynthia Gonzalez; Alejandro Gonzalez; and The Estate of Sergio Arturo Gonzalez, by and through its Successors-in-Interest, Cynthia Gonzalez and Alejandro Gonzalez, Plaintiffs, v. Kern Medical Center; Alexandra Neiman, M.D.; and DOES 1-100, inclusive, Defendants, Kern County Superior Court Case No. BCV-21-100289 – HEARD; NO REPORTABLE ACTION TAKEN

Item 33 concerning PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – HEARD; NO REPORTABLE ACTION TAKEN

Item 34 concerning CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(e)(3)) Number of cases: Three (3) 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 – NOT HEARD

ADJOURNED TO WEDNESDAY, OCTOBER 16, 2024 AT 11:30 A.M.

Pollard



/s/ Mona A. Allen
Authority Board Coordinator



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