



AGENDA

KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS

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

Regular Meeting
Wednesday, February 16, 2022

11:30 A.M.

BOARD TO RECONVENE

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

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH A "CA" ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY KERN COUNTY HOSPITAL AUTHORITY STAFF. THE "CA" REPRESENTS THE CONSENT AGENDA. CONSENT ITEMS WILL BE CONSIDERED FIRST AND MAY BE APPROVED BY ONE MOTION IF NO MEMBER OF THE BOARD OR AUDIENCE WISHES TO COMMENT OR ASK QUESTIONS. IF COMMENT OR DISCUSSION IS DESIRED BY ANYONE, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED IN LISTED SEQUENCE WITH AN OPPORTUNITY FOR ANY MEMBER OF THE PUBLIC TO ADDRESS THE BOARD CONCERNING THE ITEM BEFORE ACTION IS TAKEN.

STAFF RECOMMENDATION 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!**

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)) –

RECOGNITION

- 3) Presentation by the Chief Executive Officer recognizing the Kern Medical Center employees from the Whole Person Care program –
MAKE PRESENTATION
- 4) Presentation by the Chief Executive Officer recognizing Karen S. Barnes, Vice-President and General Counsel, for her 20 years of dedicated service to Kern Medical Center and the County of Kern –
MAKE PRESENTATION

ITEMS FOR CONSIDERATION

- CA
- 5) Proposed Resolution in the matter of making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and authorizing the continued use of virtual meetings –
APPROVE; ADOPT RESOLUTION
- CA
- 6) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on January 19, 2022 –
APPROVE
- CA
- 7) Proposed retroactive Asset Purchase Agreement with Walgreen Co., an independent contractor, containing non-standard terms and conditions, for the transfer of prescription files and remaining pharmaceutical inventory –
APPROVE; AUTHORIZE CHIEF EXECUTIVE OFFICER TO SIGN
- CA
- 8) Proposed retroactive Side Letter of Agreement with Service Employees International Union, Local 521, to implement minimum wage increases, effective January 1, 2022 –
APPROVE; AUTHORIZE CHAIRMAN TO SIGN

- 9) Proposed Service Agreement with GE Precision Healthcare, LLC, an independent contractor, containing non-standard terms and conditions, for maintenance and service of Q Street Imaging Center equipment, for the period February 16, 2022 through February 15, 2027, in an amount not to exceed \$900,000 –
APPROVE; AUTHORIZE CHAIRMAN TO SIGN

CA

- 10) Proposed Addendum to the Software Use Agreement 2017-025 with Strata Decision Technology, LLC, an independent contractor, for management reporting software for the period March 16, 2017 through March 15, 2022, extending the term for five years from March 16, 2022 through March 15, 2027, and increasing the maximum payable by \$1,809,105, from \$2,056,164 to \$3,865,269, to cover the extended term –
APPROVE; AUTHORIZE CHAIRMAN TO SIGN

CA

- 11) Proposed Third Amendment to Credit Agreement 011-2019 with PNC Bank, National Association (PNC Bank) for a revolving line of credit for the period March 1, 2019 through February 28, 2022, extending the maturity date of the Line of Credit to a date not later than March 1, 2023, amending the Credit Agreement to provide for an interest rate based on One Month Bloomberg Short-Term Bank Yield Index, provided that the Line of Credit shall otherwise be substantially on the same terms set out in the Credit Agreement, and providing that the maximum available principal amount of credit provided under the Credit Agreement may not exceed \$20,000,000 and that any indebtedness incurred thereunder at any time shall be secured only by personal property, substantially the same as the personal property described in the General Security and Pledge Agreement, and delegating authority to certain officers –
APPROVE; ADOPT RESOLUTION; AUTHORIZE AND DIRECT ANY TWO OF THE FOLLOWING OFFICERS (EACH, AN “AUTHORIZED OFFICER”) OF THE AUTHORITY, FOR AND IN THE NAME OF AND ON BEHALF OF THE AUTHORITY, TO EXECUTE THE THIRD AMENDMENT TO CREDIT AGREEMENT, OR A NEW CREDIT AGREEMENT IF THE AUTHORIZED OFFICERS DETERMINE THAT A NEW CREDIT AGREEMENT IS ADVISABLE, AND AN AMENDMENT TO THE NOTE, OR A NEW NOTE IF THE AUTHORIZED OFFICERS DETERMINE THAT A NEW NOTE IS ADVISABLE, AS THE AUTHORIZED OFFICERS EXECUTING THE SAME, TOGETHER WITH THE VICE PRESIDENT & GENERAL COUNSEL OF THE AUTHORITY, SHALL APPROVE: CHAIRMAN OF THIS BOARD, VICE-CHAIRMAN OF THIS BOARD, CHIEF EXECUTIVE OFFICER OF THE AUTHORITY OR CHIEF FINANCIAL OFFICER OF THE AUTHORITY

CA

- 12) Proposed retroactive Amendment No. 2 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 December 13, 2021, extending the term for an additional period from December 14, 2021 through December 31, 2022, and increasing the maximum payable by \$600,000, from \$425,000 to \$1,025,000, to cover the extended term –
APPROVE; AUTHORIZE CHAIRMAN TO SIGN

CA

- 13) Proposed Service Agreement with International Business Machine Corporation, an independent contractor, containing non-standard terms and conditions, for electronic resources for medication safety from February 16, 2022 through February 15, 2025, in an amount not to exceed \$80,212 –
APPROVE; AUTHORIZE CHAIRMAN TO SIGN

- 14) Proposed retroactive Amendment No. 1 to Agreement 039-2021 with Healthcare Performance Group, Inc., an independent contractor, for professional consulting services to assist with staffing shortages related to Cerner Millennium support for the period June 11, 2021 through June 10, 2022, increasing the maximum payable by \$198,720, from \$200,000 to \$398,720, to cover the term –
APPROVE; AUTHORIZE CHIEF EXECUTIVE OFFICER TO SIGN
- CA
- 15) Proposed retroactive Amendment No. 2 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, 2022 through February 11, 2024, and increasing the maximum payable by \$900,000, from \$752,000 to \$1,652,000, to cover the extended term –
APPROVE; AUTHORIZE CHAIRMAN TO SIGN
- CA
- 16) Proposed Amendment No. 1 to Agreement 03219 with Rehana Rafiq, M.D., a contract employee, for professional medical services in the Department of Family Medicine, Division of Pediatrics, from February 16, 2019 through February 15, 2022, extending the term for an additional period from February 16, 2022 through June 30, 2022, and increasing the maximum payable by \$60,000, from \$350,000 to \$410,000, to cover the extended term –
APPROVE; AUTHORIZE CHAIRMAN TO SIGN
- CA
- 17) Proposed retroactive Agreement with Patrick G. Pieper, M.D., a contract employee, for professional medical services in the Department of Surgery from February 1, 2022 through January 31, 2025, in an amount not to exceed \$1,846,000, plus applicable benefits –
APPROVE; AUTHORIZE CHAIRMAN TO SIGN
- CA
- 18) Proposed Agreement with McMurtrey Lince, Inc., an independent contractor, for construction services related to hospital pharmacy renovations and HVAC installation, effective February 16, 2022, in an amount not to exceed \$467,504 –
MAKE A FINDING THE PROJECT IS EXEMPT FROM FURTHER CEQA REVIEW PER SECTIONS 15301, 15302 AND 15061(B)(3) OF STATE CEQA GUIDELINES; APPROVE; AUTHORIZE CHAIRMAN TO SIGN; AUTHORIZE CHIEF EXECUTIVE OFFICER TO APPROVE FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF \$467,504
- CA
- 19) Proposed Agreement with James E. Thompson, Inc., doing business as JTS Construction, an independent contractor, for construction services related to renovations at 3551 Q Street, effective February 16, 2022, in an amount not to exceed \$561,143 –
MAKE A FINDING THE PROJECT IS EXEMPT FROM FURTHER CEQA REVIEW PER SECTIONS 15301, 15302 AND 15061(B)(3) OF STATE CEQA GUIDELINES; APPROVE; AUTHORIZE CHAIRMAN TO SIGN; AND AUTHORIZE CHIEF EXECUTIVE OFFICER TO APPROVE FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF \$561,143

CA

- 20) Proposed Amendment No. 3 to Agreement 07816 with Paul Dhanens Architect, Inc., an independent contractor, for architectural design services for budgeted construction projects for the period July 1, 2016 through June 30, 2023, increasing the maximum payable by \$250,000, from \$700,000 to \$950,000, to cover the term –
APPROVE; AUTHORIZE CHAIRMAN TO SIGN

CA

- 21) Proposed Purchase Order Agreement with Acist Medical Systems, Inc., an independent contractor, containing non-standard terms and conditions, for repair of Cath lab equipment, effective February 16, 2022, in an amount not to exceed \$20,125 –
APPROVE; AUTHORIZE CHAIRMAN TO SIGN

- 22) Kern County Hospital Authority Chief Financial Officer report –
RECEIVE AND FILE

- 23) Kern County Hospital Authority Chief Executive Officer report –
RECEIVE AND FILE

CA

- 24) Claims and Lawsuits Filed as of January 31, 2022 –
RECEIVE AND FILE

ADJOURN TO CLOSED SESSION

CLOSED SESSION

- 25) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) –
- 26) Request for Closed Session for the purpose of discussion or taking action on authority trade secrets (Health and Safety Code Section 101855(e)(1)) –
- 27) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION
(Government Code Section 54956.9(d)(1)) Name of case: Marcel Monji v. County of Kern, et al., United States District Court, Eastern District of California, Case No. 1:19-cv-01526-JLT-BAK (SKO) –

RECONVENE FROM CLOSED SESSION

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

ADJOURN TO WEDNESDAY, MARCH 16, 2022 AT 11:30 A.M.

SUPPORTING DOCUMENTATION FOR AGENDA ITEMS

All agenda item supporting documentation is available for public review at Kern Medical Center in the Administration Department, 1700 Mount Vernon Avenue, Bakersfield, 93306 during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, following the posting of the agenda. Any supporting documentation that relates to an agenda item for an open session of any regular meeting that is distributed after the agenda is posted and prior to the meeting will also be available for review at the same location.

AMERICANS WITH DISABILITIES ACT (Government Code Section 54953.2)

The Kern Medical Center Conference Room is accessible to persons with disabilities. Disabled individuals who need special assistance to attend or participate in a meeting of the Kern County Hospital Authority Board of Governors may request assistance at Kern Medical Center in the Administration Department, 1700 Mount Vernon Avenue, Bakersfield, California, or by calling (661) 326-2102. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

23) CLAIMS AND LAWSUITS FILED AS OF JANUARY 31, 2021 –
RECEIVE AND FILE

- A) Claim in the matter of Laura Michelle Fuller
- B) Unfair Practice Charge in the matter of Service Employees International Union, Local 521 v. Kern Medical Center, Case N0. LA-CE-1553-M
- C) Amended Unfair Practice Charge in the matter of Service Employees International Union, Local 521 v. Kern Medical Center, Case N0. LA-CE-1553-M
- D) Notice of Filing of Discrimination Complaint in the matter of Maria Chavez; DFEH Case No. 202109-14859624; EEOC No. 37A-2022-00748-C