



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, October 18, 2023

11:30 A.M.

BOARD RECONVENED

Board Members: Berjis, Bigler, McLaughlin, Pelz, Pollard, Zervis
Roll Call: 4 Present, 2 Absent - Bigler, Pollard

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

NOTE: DIRECTOR POLLARD JOINED THE MEETING AFTER THE VOTE ON THE CONSENT AGENDA AND PRIOR TO THE DISCUSSION AND VOTE ON ITEM 35

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)) –
NO ONE HEARD

ITEMS FOR CONSIDERATION

- CA
3) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on September 20, 2023 –
APPROVED
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
4) Proposed election of officers to the Kern County Hospital Authority Board of Governors to include Russell E. Bigler, Chairman, Philip McLaughlin, Vice Chairman, and Amir Berjis, M.D., Secretary/Treasurer, terms to expire June 30, 2025 –
ELECTED OFFICERS
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
5) Proposed Resolution establishing regular meeting dates of the Kern County Hospital Authority Board of Governors for calendar year 2024 –
APPROVED; ADOPTED RESOLUTION 2023-011
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
6) Proposed retroactive Resolution affirming the appointments of Scott Thygerson, Andrew J. Cantu, Tyler S. Whitezell, Glenn E. Goldis, M.D., and Tonya Barraza, RN, MSN, CNOR, as officers of the Kern County Hospital Authority, effective September 25, 2023 –
APPROVED; ADOPTED RESOLUTION 2023-012
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
7) Proposed retroactive Kern County Hospital Authority Organizational Chart, effective September 25, 2023 –
APPROVED
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
8) Proposed retroactive Resolution delegating authority to the Chief Executive Officer of Kern County Hospital Authority to execute instruments and other documents in the name of and on behalf of Kern Medical Surgery Center, LLC, effective October 1, 2023 –
APPROVED; ADOPTED RESOLUTION 2023-013
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard

CA

- 9) Proposed retroactive Fifth Amendment to Operating Agreement of Kern Medical Surgery Center, LLC, to comply with the open meeting requirements of the Ralph M. Brown Act, and appointing Russell E. Bigler as President and Chief Executive Officer, Phillip McLaughlin as Executive Vice President and Amir Berjis, M.D., as Executive Vice President, effective October 1, 2023 –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 128-2023

Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard

CA

- 10) Proposed retroactive Combined Insurance Company of America Policyholder Application, an independent contractor, for voluntary election of long-term care coverage, effective January 1, 2024 for a period of 12 months –

APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN AGREEMENT 129-2023

Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard

CA

- 11) Proposed retroactive 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, 2024 for a period of 12 months –

APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN AGREEMENT 130-2023

Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard

CA

- 12) Proposed Change Order No. 1 to Agreement 076-2023 with James E. Thompson, Inc., doing business as JTS Construction, an independent contractor, installation of additional devices for the temporary nurse call system in the Emergency Department, increasing the maximum by \$50,020, from \$98,450 to \$148,470, to cover 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 131-2023

Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard

CA

- 13) Proposed Master Managed Services Agreement with Presidio Networked Solutions LLC, an independent contractor, containing nonstandard terms and conditions, for IT support services for the Microsoft Azure infrastructure from October 18, 2023 through October 17, 2026, at no additional cost –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 132-2023

Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard

CA

- 14) Proposed Sales Order OPT-0485723 to Agreement 2016-36 with Cerner Corporation, an independent contractor, containing nonstandard terms and conditions, to utilize the embedded About Healthcare Post-Acute Services Platform, from October 18, 2023 through October 17, 2028, in an amount not to exceed \$283,461 –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 133-2023

Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard

- CA
15) Proposed retroactive Amendment No. 1 to Agreement 052-2023 with Ralph Garcia-Pacheco Suarez, M.D., a contract employee, for professional medical services as Chair, Department of Medicine, adding an annual stipend of \$25,000 per year for services as Chair, and increasing the maximum payable by \$75,000, from \$2,100,000 to \$2,175,000, to cover the term, effective September 20, 2023 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 134-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
16) Proposed Amendment No. 2 to Agreement 069-2019 with Aslan GhandForoush, D.O., a contract employee, for professional medical services in the Department of Medicine, for the period of November 26, 2019 through November 25, 2024, increasing the rates for extra clinic shifts, and increasing the maximum payable by \$100,000, from \$5,000,000 to \$5,100,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 135-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
17) Proposed retroactive Agreement with Fowrooz S. Joolhar, M.D., a contract employee, for professional medical services in the Department of Medicine from September 30, 2023 through September 29, 2028, in an amount not to exceed \$3,850,000 plus applicable benefits –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 136-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
18) Proposed Amendment No. 1 to Agreement 110-2022 with Naheedy and Zarandy Medical Group, Inc., an independent contractor, for professional medical services in the Department of Radiology, for the period November 1, 2022 through October 31, 2024, extending the term for one year from November 1, 2024 through October 31, 2025, increasing the hourly rate for coverage from \$220 per hour to \$250 per hour, and increasing the maximum payable by \$800,000, from \$800,000 to \$1,600,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 137-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
19) Proposed Teleradiology Services Agreement with Virtual Radiologic Professionals of California, P.A., an independent contractor, containing nonstandard terms and conditions, for teleradiology interpretation services, from October 18, 2023 through October 17, 2025, in an amount not to exceed \$2,000,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 138-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
20) Proposed Health Information Integration Master Services Agreement with Virtual Radiologic Professionals of California, P.A., an independent contractor, containing nonstandard terms and conditions, to establish a health information interface, from October 18, 2023 through project completion, in an amount not to exceed \$10,500 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 139-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard

- CA
21) Proposed Purchase Agreement with Sysmex America, Inc., an independent contractor, for the purchase of the Sysmex Novus Benchtop Urine Chemistry Analyzer and maintenance, effective October 18, 2023, in an amount not to exceed \$140,579, plus applicable fees and taxes –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 140-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
22) Proposed Commitment Agreement with Nova Biomedical Corporation, an independent contractor, for purchase of point of care glucose meters and disposables from October 18, 2023 through October 17, 2028, in an amount not to exceed \$400,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 141-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
23) Proposed Contract Supplement OPTY-820024 to Information Systems Agreement 276-99 with Change Healthcare Technologies, LLC, an independent contractor, containing nonstandard terms and conditions, for Picture Archiving Communication System software and software maintenance, for a term of five years effective upon installation, in an amount not to exceed \$3,000,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 142-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
24) Proposed Contract Supplement OPTY-827836 to Information Systems Agreement 276-99 with Change Healthcare Technologies, LLC, an independent contractor, containing nonstandard terms and conditions, to establish an HL7 interface, effective October 18, 2023 until project completion, in an amount not to exceed \$13,674 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 143-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
25) Proposed Amendment No. 1 to Recordkeeping Services Agreement 80222, RetirePlus Supplement to Recordkeeping Services Agreement, Statement of Work, Application for TIAA Group Supplemental Retirement Annuity Contract with Teachers Insurance and Annuity Association of America and Application for CREF Group Supplemental Retirement Annuity Contract with College Retirement Equities Fund to implement the Model Portfolio Investment Option for the Kern County Hospital Authority Defined Contribution Plan for Physician Employees –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 144-2023, 145-2023 AND 146-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
26) Proposed acceptance of donation of travel and related expenses from Health Connect Partners for one Kern Medical Center employee to attend the HCP23 Hospital Pharmacy Fall Conference in St. Louis, Missouri, from October 23-25, 2023 –
APPROVED; ADOPTED RESOLUTION 2023-014
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard

- CA
27) Proposed acceptance of donation of travel and related expenses from Public Risk Innovation, Solution, and Management for up to three Kern Medical Center employees to attend the 2023 Cyber Symposium in Ontario, California on November 9, 2023 –
APPROVED; ADOPTED RESOLUTION 2023-015
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
28) Proposed acceptance of donation of travel and related expenses from Experian Health for up to three Kern Medical Center employees to attend the Experian Health High-Performance Summit 23 in Denver, Colorado, from November 6-8, 2023 –
APPROVED; ADOPTED RESOLUTION 2023-016
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
29) Proposed Amendment No. 2 to Affiliation Agreement 153-2015 with The Regents of the University of California, on behalf of The University of California, David Geffen School of Medicine at UCLA, an independent contractor, for the period April 13, 2015 through October 27, 2023, for clinical training of residents and fellows, extending the term for five years from October 28, 2023 through October 27, 2028 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 147-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
30) Proposed retroactive Agreement with MedPoint Management, an independent contractor, containing nonstandard terms and conditions, for nonclinical administrative services related to health plan contracts from September 29, 2023 through September 28, 2025, in an amount not to exceed \$10,000 per month or up to 10% of all health plan gross revenue –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 148-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO APPROVE FUTURE DOCUMENTS IN SUPPORT THEREOF SUBJECT TO APPROVAL AS TO FORM BY COUNSEL
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
31) Proposed Medi-Cal Managed Care Medical Services Agreement with Blue Cross of California and Affiliates doing business as Anthem Blue Cross, an independent contractor, containing nonstandard terms and conditions, for the provision of professional medical services to Medi-Cal beneficiaries enrolled in Anthem's Medi-Cal managed care program for an initial term of one year from January 1, 2024 through December 31, 2024 (Rates confidential per Health and Safety Code section 101855) –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 149-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
32) Proposed Amendment No. 1 to Agreement 099-2023 with Alton Scott Thygerson, a contract employee, for professional services as chief executive officer of Kern County Hospital Authority, for the period July 19, 2023 through July 19, 2026, adding performance-based metrics for fiscal year 2023-2024 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 150-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard

- CA
33) Proposed Agreement with J. Noble Binns Plumbing Co., Inc., an independent contractor, for installation of a nitrogen and nitrous oxide panel, effective October 18, 2023 until project completion, in an amount not to exceed \$85,360 –
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 151-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF THE TOTAL CONTRACT PRICE
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
34) Proposed Personal Professional Service Agreement with Xanitos, Inc., an independent contractor, for environmental and janitorial services from December 1, 2023 through November 30, 2026, in an amount not to exceed \$2,109,755 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 152-2023
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- 35) Kern County Hospital Authority Chief Financial Officer report –
CHIEF FINANCIAL OFFICER ANDREW CANTU MADE PRESENTATION; RECEIVED AND FILED
Berjis-Zervis: 5 Ayes; 1 Absent - Bigler
- CA
36) Kern County Hospital Authority Chief Executive Officer report –
WITHDRAWN
- CA
37) Monthly report on What's Happening at Kern Medical Center –
RECEIVED AND FILED
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- CA
38) Claims and Lawsuits Filed as of September 30, 2023 –
RECEIVED AND FILED
Pelz-Berjis: 4 Ayes; 2 Absent - Bigler, Pollard
- ADJOURNED AS KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNERS; CONVENEED AS KERN MEDICAL SURGERY CENTER, LLC BOARD OF MANAGERS
Pelz-Pollard: 5 Ayes; 1 Absent - Bigler
- C-39) Proposed Resolution establishing regular meeting dates of the Kern Medical Surgery Center, LLC Board of Managers for calendar year 2023 –
APPROVED; ADOPTED RESOLUTION 2023-001
Pollard-Berjis: 5 Ayes; 1 Absent - Bigler
- C-40) Proposed Resolution establishing regular meeting dates of the Kern Medical Surgery Center, LLC Board of Manager for calendar year 2024 –
APPROVED; ADOPTED RESOLUTION 2023-002
Pollard-Berjis: 5 Ayes; 1 Absent - Bigler

- C-41) Kern Medical Surgery Center, LLC Administrative Report
RECEIVED AND FILED
Pollard-Berjis: 5 Ayes; 1 Absent - Bigler

ADJOURNED AS KERN MEDICAL SURGERY CENTER, LLC BOARD OF MANAGERS;
RECONVENED AS KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNERS
Zervis-Berjis: 5 Ayes; 1 Absent - Bigler

ADJOURNED TO CLOSED SESSION
Berjis-Pollard

CLOSED SESSION

- 42) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 43) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Christopher Harkins, Plaintiff, v. Kern County Hospital Authority, a municipal corporation; and DOES 1 through 50, inclusive, Defendants, Kern County Superior Court Case No. BCV-23-102237 DRZ – SEE RESULTS BELOW
- 44) 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
- 45) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2) & (e)(2)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Governors on the advice of legal counsel, based on: Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the Authority and that are known to a potential plaintiff or plaintiffs. Facts and circumstances are as follows: Rebecca Rivera, M.D. – SEE RESULTS BELOW
- 46) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2) & (e)(2)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Governors on the advice of legal counsel, based on: Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the Authority and that are known to a potential plaintiff or plaintiffs. Facts and circumstances are as follows: Thomas Campi, M.D. – SEE RESULTS BELOW
- 47) 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

- 48) 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
- 49) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Unrepresented Employees (Government Code Section 54957.6) – SEE RESULTS BELOW
- 50) 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-1607-M – SEE RESULTS BELOW
- 51) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2) & (e)(2)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Governors on the advice of legal counsel, based on: Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the Authority and that are known to a potential plaintiff or plaintiffs. Facts and circumstances are as follows: Dawn M. Cimmarusti LeRoy – SEE RESULTS BELOW
- 52) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2) & (e)(2)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Governors on the advice of legal counsel, based on: Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the Authority and that are known to a potential plaintiff or plaintiffs. Facts and circumstances are as follows: Novarad Corporation – SEE RESULTS BELOW

NOTE: CHIEF EXECUTIVE OFFICER SCOTT THYGERSON LEFT THE ROOM PRIOR TO THE DISCUSSION ON AGENDA ITEM 53 AND RETURNED TO THE MEETING FOLLOWING THE DISCUSSION ON AGENDA ITEM 53

NOTE: VICE PRESIDENT & GENERAL COUNSEL KAREN S. BARNES LEFT THE ROOM PRIOR TO THE DISCUSSION ON AGENDA ITEM 53 AND RETURNED TO THE MEETING FOLLOWING THE DISCUSSION ON AGENDA ITEM 53

- 53) 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
- 54) Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW

- 55) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer
(Government Code Section 54957) – SEE RESULTS BELOW

RECONVENED FROM CLOSED SESSION

Berjis-Pollard

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item 42 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 POLLARD); 1 ABSENT - DIRECTOR BIGLER), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE OF PROCTORING, CHANGE IN STAFF STATUS, AND VOLUNTARY RESIGNATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item 43 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Christopher Harkins, Plaintiff, v. Kern County Hospital Authority, a municipal corporation; and DOES 1 through 50, inclusive, Defendants, Kern County Superior Court Case No. BCV-23-102237 DRZ – HEARD; NO REPORTABLE ACTION TAKEN

Item 44 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 – HEARD; NO REPORTABLE ACTION TAKEN

Item 45 concerning CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2) & (e)(2)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Governors on the advice of legal counsel, based on: Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the Authority and that are known to a potential plaintiff or plaintiffs. Facts and circumstances are as follows: Rebecca Rivera, M.D. – HEARD; NO REPORTABLE ACTION TAKEN

Item 46 concerning CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2) & (e)(2)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Governors on the advice of legal counsel, based on: Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the Authority and that are known to a potential plaintiff or plaintiffs. Facts and circumstances are as follows: Thomas Campi, M.D. – HEARD; NO REPORTABLE ACTION TAKEN

Item 47 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-1580-M – HEARD; NO REPORTABLE ACTION TAKEN

Item 48 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 49 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Unrepresented Employees (Government Code Section 54957.6) – NOT HEARD

Item 50 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-1607-M – HEARD; NO REPORTABLE ACTION TAKEN

Item 51 concerning CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2) & (e)(2)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Governors on the advice of legal counsel, based on: Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the Authority and that are known to a potential plaintiff or plaintiffs. Facts and circumstances are as follows: Dawn M. Cimmarusti LeRoy – HEARD; NO REPORTABLE ACTION TAKEN

Item 52 concerning CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2) & (e)(2)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Governors on the advice of legal counsel, based on: Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the Authority and that are known to a potential plaintiff or plaintiffs. Facts and circumstances are as follows: Novarad Corporation – HEARD; NO REPORTABLE ACTION TAKEN

Item 53 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 – HEARD; NO REPORTABLE ACTION TAKEN

Item 54 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 55 concerning PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, NOVEMBER 15, 2023 AT 11:30 A.M.

Pelz



/s/ Mona A. Allen
Authority Board Coordinator



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