



SUMMARY OF PROCEEDINGS

KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS

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

Regular Meeting
Wednesday, November 17, 2021

11:30 A.M.

BOARD RECONVENED

Board Members: Alsop, Berjis, Bigler, Brar, Kitchen, McLaughlin, Pelz
Roll Call: 6 Present, 1 Absent - Brar

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!**
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

NOTE: CHAIRMAN BIGLER PASSED THE GAVEL TO SECRETARY BERJIS PRIOR TO THE DISCUSSION AND VOTE ON ITEM 3

RECOGNITION

- 3) Resolution honoring Russell V. Judd, Chief Executive Officer, upon his retirement with 30 years of dedicated service to the healthcare community and Kern Medical Center –
ADOPTED RESOLUTION

Bigler-Alsop: 6 Ayes; 1 Absent - Brar

ITEMS FOR CONSIDERATION

CA

- 4) 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 –

APPROVED; ADOPTED RESOLUTION 2021-013

Pelz-Kitchen: 6 Ayes; 1 Absent - Brar

CA

- 5) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on October 20, 2021 –

APPROVED

Pelz-Kitchen: 6 Ayes; 1 Absent - Brar

CA

- 6) Proposed retroactive Amendment No. 21 to Agreement 2016-036 with Cerner Corporation, an independent contractor, to remove the Operating Expense metric and replace with a static Licensed Beds metric, effective July 1, 2021 –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 068-2021

Pelz-Kitchen: 6 Ayes; 1 Absent - Brar

CA

- 7) Proposed retroactive Agreement with NuWest Group Holding, LLC, doing business as NuWest Healthcare, an independent contractor, for supplemental nurse staffing services for the period November 1, 2021 through October 31, 2022, in an amount not to exceed \$6,000,000 –

APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN AGREEMENT 069-2021

Pelz-Kitchen: 6 Ayes; 1 Absent - Brar

CA

- 8) Proposed Application for Group Insurance with ReliaStar Life Insurance Company, a member of the Voya® family of companies, an independent contractor, for purchase of supplemental life insurance benefits by employees on a voluntary basis, effective January 1, 2022 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 070-2021
Pelz-Kitchen: 6 Ayes; 1 Absent - Brar

CA

- 9) Proposed Employer Agreement with LegalEASE Group, an independent contractor, for purchase of prepaid legal service plans by employees on a voluntary basis, effective January 1, 2022 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 071-2021
Pelz-Kitchen: 6 Ayes; 1 Absent - Brar

CA

- 10) Proposed Resolution reaffirming the prior appointments of Andrew J. Cantu, Tyler S. Whitezell, Glenn E. Goldis, M.D., and Antoinette C. Smith, RN, MSN, and affirming the recent appointment of Alton Scott Thygerson as officers of the Kern County Hospital Authority, effective December 1, 2021 – APPROVED; ADOPTED RESOLUTION 2021-014
Pelz-Kitchen: 6 Ayes; 1 Absent - Brar

CA

- 11) Proposed Resolution revising the delegation of authority of the Kern County Hospital Authority Chief Executive Officer to enter into contracts and to secure and pay for certain professional and special services – APPROVED; ADOPTED RESOLUTION 2021-015
Pelz-Kitchen: 6 Ayes; 1 Absent - Brar

CA

- 12) Proposed approval of Medical Staff policy titled Waivers to Board Certification – APPROVED
Pelz-Kitchen: 6 Ayes; 1 Absent - Brar

NOTE: SECRETARY BERJIS PASSED THE GAVEL TO CHAIRMAN BIGLER PRIOR TO THE DISCUSSION AND VOTE ON ITEM 13

NOTE: DIRECTOR BERJIS ANNOUNCED THAT, DUE TO HIS EMPLOYMENT WITH THE KERN COUNTY HOSPITAL AUTHORITY, HE WOULD RECUSE HIMSELF FROM THE DISCUSSION AND VOTE ON ITEM 13 AND LEFT THE DAIS

- 13) Proposed Agreement with Amir Berjis, M.D., a contract employee, for professional medical and administrative services in the Department of Surgery, from January 4, 2022 through January 3, 2027, in an amount not to exceed \$3,300,000 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 072-2021
Pelz-Kitchen: 4 Ayes; 1 Absent - Brar; 2 Abstention – Alsop, Berjis

NOTE: DIRECTOR BERJIS RETURNED TO THE DAIS AFTER THE DISCUSSION AND VOTE ON ITEM 13

NOTE: DIRECTOR MCLAUGHLIN LEFT THE DAIS PRIOR TO THE DISCUSSION AND VOTE ON ITEM 14 AND DID NOT RETURN

- 14) Public hearing to consider the proposed closures of Kern Medical Center Campus Pharmacy, located at 2014 College Avenue, Bakersfield 93305, and Sagebrush Medical Plaza Pharmacy (also known as Columbus Clinic Pharmacy), located at 1111 Columbus Street, Suite 2000, Bakersfield 93305, effective no later than December 31, 2021 – OPENED HEARING; AMANDA TORRES, CHERIE ANCHETA, FRANK RODRIGUEZ, GUILLERMINA SALAZAR, AND THREE ANONYMOUS CALLERS HEARD REGARDING PROPOSED CLOSURE OF THE KERN MEDICAL CENTER OUTPATIENT PHARMACIES; CLOSED HEARING; APPROVED CLOSURE OF KERN MEDICAL CENTER CAMPUS PHARMACY AND SAGEBRUSH MEDICAL PLAZA PHARMACY; DIRECTED STAFF TO DETERMINE THE SPECIFIC ACTIONS NECESSARY TO IMPLEMENT CHANGES IN SERVICES
Pelz-Kitchen: 4 Ayes; 2 Absent - Brar, McLaughlin; 1 Abstention - Alsop

- 15) Kern County Hospital Authority financial report – RECEIVED AND FILED
Berjis-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

- 16) Kern County Hospital Authority Chief Executive Officer report – RECEIVED AND FILED
Alsop-Berjis: 5 Ayes; 2 Absent - Brar, McLaughlin

- CA
17) Claims and Lawsuits Filed as of October 31, 2021 – RECEIVED AND FILED
Pelz-Kitchen: 6 Ayes; 1 Absent - Brar

ADJOURNED TO CLOSED SESSION
Berjis-Pelz

CLOSED SESSION

- 18) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 19) CONFERENCE WITH LEGAL COUNSEL – FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: In the Matter of the Accusation Against County of Kern, California, DBA Kern Medical Center Campus Pharmacy, et al., Respondents, Case No. 7026 – SEE RESULTS BELOW
- 20) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Russell V. Judd, and designated staff - Employee organizations: Service Employees International Union, Local 521 (Government Code Section 54957.6) – SEE RESULTS BELOW

- 21) 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

RECONVENED FROM CLOSED SESSION
Berjis-Kitchen

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item No. 18 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 PELZ; 2 ABSENT - DIRECTORS BRAR AND MCLAUGHLIN) THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, REVIEW/RELEASE OF PROCTORING, AND AUTOMATIC TERMINATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item No. 19 concerning CONFERENCE WITH LEGAL COUNSEL – FORMALLY INITIATED LITIGATION
(Government Code Section 54956.9(d)(1)) Name of case: In the Matter of the Accusation Against County of Kern, California, DBA Kern Medical Center Campus Pharmacy, et al., Respondents, Case No. 7026 – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 20 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Russell V. Judd, and designated staff - Employee organizations: Service Employees International Union, Local 521 (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 21 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

ADJOURNED TO WEDNESDAY, DECEMBER 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