



SUMMARY OF PROCEEDINGS

KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS

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

Regular Meeting
Wednesday, December 14, 2022

11:30 A.M.

BOARD RECONVENED

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

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)) –

DIRECTOR BERJIS EXPRESSED HIS APPRECIATION TO DIRECTOR KITCHEN FOR HER SERVICE ON THE BOARD OF GOVERNORS; CHAIRMAN BIGLER CONCURRED

ITEMS FOR CONSIDERATION

- CA
3) 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 2022-026
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen
- CA
4) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on November 16, 2022 –
APPROVED
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen
- CA
5) Report on 2022 Community Health Needs Assessment for Kern Medical Center –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen
- CA
6) Proposed Personal/Professional Services Agreement with ITW Food Equipment Group, LLC, doing business as Hobart Service, an independent contractor, containing nonstandard terms and conditions, for maintenance and repair of kitchen equipment from December 14, 2022 through December 13, 2025, in an amount not to exceed \$20,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 143-2022
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen
- CA
7) Proposed Service Agreement with OEC Medical System, Inc., a GE Healthcare business, an independent contractor, to provide maintenance and repair for three OEC C-Arm machines, effective January 14, 2023, in an amount not to exceed \$300,000 for a seven-year term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 144-2022
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen
- CA
8) Proposed Product Agreement and Service Agreement with Ortho-Clinical Diagnostics, Inc., an independent contractor, for two blood bank analyzers and related services from December 14, 2022 through December 13, 2028, in an amount not to exceed \$144,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 145-2022
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

CA

- 9) Proposed Amendment No. 5 to Agreement 20119 with Juan M. Lopez, M.D., a contract employee, for professional medical and administrative services in the Department of Obstetrics and Gynecology, for the period July 1, 2019 through December 31, 2022, extending the term for one month through January 31, 2023, and increasing the maximum payable by \$40,000, from \$1,580,000 to \$1,620,000, to cover the extended term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 146-2022
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

CA

- 10) Proposed Amendment No. 2 to Agreement 041-2021 with Jeffry L. Huffman, M.D., a contract employee, for professional medical services in the Department of Surgery, for the period July 31, 2021 through July 30, 2026, reducing the annual compensation by \$300,000, from \$750,000 to \$450,000, effective November 16, 2022 –
WITHDRAWN

CA

- 11) Proposed Amendment No. 2 to Agreement 26121 with Bryant A. Nachtigall, D.P.M., a contract employee, for professional medical services in the Department of Surgery, for the period July 17, 2021 through July 16, 2024, extending the term from July 17, 2024 through December 31, 2025, and increasing the maximum payable by \$800,000, from \$1,000,000 to \$1,800,000, to cover the extended term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 147-2022
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

CA

- 12) Proposed Amendment No. 1 to the Software License and Services Agreement 036-2018 with Corepoint Health, LLC doing business as Lyniate, an independent contractor, for the purchase of Web Service licenses and support, with a one-time cost of \$30,000 and annual support fees of \$6,000, increasing the maximum annual payable by \$6,000, from \$140,511 to \$146,511, effective December 14, 2022, renewing each year for a one-year term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 148-2022
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

CA

- 13) Proposed Change Order No. 6 to Agreement 006-2021 with James E. Thompson, Inc., doing business as JTS Construction, an independent contractor, for additional construction management services related to the 4th Floor Pediatric and Postpartum Renovation project, increasing the maximum payable by \$95,012, from \$1,863,962 to \$1,958,974 –
MADE FINDING PROJECT IS EXEMPT FROM FURTHER CEQA REVIEW PER SECTIONS 15301 AND 15061(b)(3) OF STATE CEQA GUIDELINES; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 149-2022; AUTHORIZED CHIEF EXECUTIVE OFFICER TO APPROVE ANY FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF \$1,958,974
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

CA

- 14) Proposed Purchase Agreement with OEC Medical Systems, Inc., a GE Healthcare business, an independent contractor, for purchase of an Elite Vascular C-Arm and MedRad Injector and associated Service Agreement, containing nonstandard terms, for maintenance and repair services, in an amount not to exceed \$452,326 plus applicable tax, effective December 14, 2022, for a seven-year term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 150-2022
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

CA

- 15) Proposed Service Agreement with OEC Medical Systems, Inc., a GE Healthcare business, an independent contractor, containing nonstandard terms and conditions, for maintenance and repair services for the Stille vascular imaging table, in an amount not to exceed \$19,950, effective December 14, 2022, for a seven-year term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 151-2022
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

CA

- 16) Proposed Purchase Order Agreement with Millennium Surgical, LLC, an independent contractor, containing nonstandard terms and conditions, for purchase of fiberoptic retractors for complex breast reconstructive surgical procedures, effective December 14, 2022, in an amount not to exceed \$4,560 plus taxes and shipping, if applicable –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 152-2022
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

CA

- 17) Proposed Amendment No. 2 to Agreement 05514 for Personal/Professional Services with Outpatient Services Group, Inc., formally known as Diversified Data Processing and Consulting, Inc., an independent contractor, containing nonstandard terms and conditions, for services related to processing of patient payments, extending the term for six months for May 11, 2023 through August 10, 2023, and increasing the maximum payable by \$11,000, from \$168,000 to \$179,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 153-2022
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

CA

- 18) Proposed Report of Independent Auditors from Moss Adams LLP regarding the audit of the Kern County Hospital Authority Deferred Compensation Plan for Physician Employees as of December 31, 2020, 2019, 2018, 2017 and 2016 –
RECEIVED AND FILED
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

CA

- 19) Miscellaneous Correspondence
RECEIVED AND FILED
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

CA

- 20) Kern County Hospital Authority Chief Financial Officer report –
RECEIVED AND FILED
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

CA

- 21) Kern County Hospital Authority Chief Executive Officer report –
RECEIVED AND FILED
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

CA

- 22) Monthly report on What's Happening at Kern Medical Center –
RECEIVED AND FILED
Berjis-Pelz: 5 Ayes; 2 Absent - Alsop, Kitchen

ADJOURNED TO CLOSED SESSION

Pelz-Berjis

CLOSED SESSION

- 23) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855, subdivision (j)(2)) – SEE RESULTS BELOW
- 24) Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 25) 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
- 26) 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
- 27) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Brian Snellgrove and Jennifer Snellgrove v. Kern Medical Center; Kern County Hospital Authority Board of Governors and DOES 1 through 100, Inclusive, Kern County Superior Court Case No. BCV-20-102881 TSC – SEE RESULTS BELOW
- 28) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Employee organizations: Service Employees International Union, Local 521 (Government Code Section 54957.6) – SEE RESULTS BELOW
- 29) 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
- 30) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Vice President & General Counsel Karen S. Barnes, and designated staff - Unrepresented Employee: Chief Financial Officer (Government Code Section 54957.6) – SEE RESULTS BELOW

- 31) 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

Pelz-Berjis

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item No. 23 concerning Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855, subdivision (j)(2)) – HEARD; BY A UNANIMOUS VOTE OF THOSE DIRECTORS PRESENT (MOTION BY DIRECTOR PELZ, SECOND BY DIRECTOR BRAR; 2 ABSENT - ALSOP, KITCHEN), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE OF PROCTORING, VOLUNTARY RESIGNATION OF PRIVILEGES, AND AUTOMATIC TERMINATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item No. 24 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 No. 25 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 No. 26 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 No. 27 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Brian Snellgrove and Jennifer Snellgrove v. Kern Medical Center; Kern County Hospital Authority Board of Governors and DOES 1 through 100, Inclusive, Kern County Superior Court Case No. BCV-20-102881-TSC – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 28 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Employee organizations: Service Employees International Union, Local 521 (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 29 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

Item No. 30 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Vice President & General Counsel Karen S. Barnes, and designated staff - Unrepresented Employee: Chief Financial Officer (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

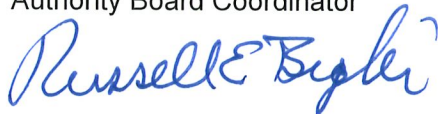
Item No. 31 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Vice President & General Counsel Karen S. Barnes, and designated staff - Unrepresented Employee: Chief Executive Officer (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, JANUARY 18, 2023 AT 11:30 A.M.

Berjis



/s/ Mona A. Allen
Authority Board Coordinator



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