



## SUMMARY OF PROCEEDINGS

### KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS

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

Special Meeting  
Wednesday, February 22, 2023

11:30 A.M.

#### BOARD TO RECONVENED

Board Members: Alsop, Berjis, Bigler, Brar, McLaughlin, Pelz  
Roll Call: 4 Present; 2 Absent - Bigler, McLaughlin

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!**

ASHLEY BAILEY, SURGICAL TECHNICIAN, HEARD REGARDING STAFF RETENTION AND SALARIES FOR SURGICAL TECHNICIANS; ANA CEJA, NURSE, ICU, HEARD REGARDING STAFF RETENTION AND TURNOVER; PATRICIA BALDIVA, CLINICAL SUPERVISOR, TELEMETRY, HEARD REGARDING STAFFING SHORTAGE, RESPECT AND PROPER RESOURCES; ALICE HAYES, EVS, HEARD REGARDING SALARIES AND WORKLOAD; ANA CARINA GONZALEZ, EMERGENCY DEPARTMENT, HEARD REGARDING STAFFING SHORTAGE, STAFF RETENTION AND TRAINING; LAUREN LOPEZ, BIOMEDICAL, HEARD REGARDING LOCATION OF POLICIES AND PROCEDURES, EQUIPMENT NEEDS AND SALARIES; MARTHA CHAN-DE-SANDOVAL, PCT, ICU/DOU, HEARD, REGARDING SALARIES, STAFFING, STAFF RETENTION AND PATIENT SAFETY

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**

RECOGNITION

- CA  
3) Presentation by the Chief Executive Officer recognizing Emily Duran, Chief Executive Officer, Kern Health Systems, for her dedication and service to the community and Kern Medical Center –  
MADE PRESENTATION  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

ITEMS FOR CONSIDERATION

- CA  
4) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on January 18, 2023 –  
APPROVED  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**
- CA  
5) Proposed Amendment No. 5 to Agreement 078-2018 with Ray A Morgan Company, an independent contractor, for the period April 1, 2019 through March 31, 2024, for replacement equipment, at no additional cost –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 017-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FOR RECEIPT OF DELIVERY  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**
- CA  
6) Proposed Contract Supplement OPTY-708442 to Agreement 276-99 with Change Healthcare Technologies, LLC, an independent contractor, for data migration services from February 15, 2023 through February 14, 2025, in an amount not to exceed \$41,140 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 018-2023  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

CA

- 7) Proposed Quote 2023-1781675 with Schneider Electric IT Corp., an independent contractor, containing nonstandard terms and conditions, for on-site maintenance of data center chillers, effective February 15, 2023, in an amount not to exceed \$3,500, plus applicable taxes – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 019-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FOR RECEIPT OF DELIVERY  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

CA

- 8) Proposed Order Number 369983.1 with Nuance Communications, Inc., an independent contractor, for the purchase of dictation software for the Picture Archiving and Communication System (PACS), for a term of two years, in an amount not to exceed \$2,500 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 020-2023  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

CA

- 9) Proposed Amended and Restated Credit Agreement with PNC Bank, National Association (PNC Bank) for a revolving line of credit, extending the maturity date of the Line of Credit to a date not later than March 1, 2024, amending and restating the previously approved Credit Agreement and certain administrative amendments necessary to comply with PNC Bank current policies, provided that the Line of Credit shall otherwise be substantially on the same terms set out in the previously approved Credit Agreement, and providing further 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 previously executed General Security and Pledge Agreement, in favor of PNC Bank , and delegating authority to certain officers – APPROVED; ADOPTED RESOLUTION 2023-002; AUTHORIZED AND DIRECTED 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 AMENDED AND RESTATED CREDIT AGREEMENT 021-2023 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: CHAIR OF THIS BOARD, VICE-CHAIR OF THIS BOARD, CHIEF EXECUTIVE OFFICER OF THE AUTHORITY OR CHIEF FINANCIAL OFFICER OF THE AUTHORITY  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

CA

- 10) Proposed Amendment No. 7 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 February 28, 2023, extending the term for one month from March 1, 2023 through February 31, 2023, and increasing the maximum payable by \$40,000, from \$1,660,000 to \$1,700,000, to cover the extended term – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 022-2023  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

CA

- 11) Proposed Amendment No. 1 to Agreement 19120 for Personal/Professional Services with Cofer & Oberlies, Inc., doing business as Open and Shut Enterprises, an independent contractor, for service and maintenance of commercial gate systems, for the period March 30, 2020 through March 29, 2023, extending the term for three years from March 30, 2023 through March 29, 2026, at no additional cost –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 023-2023  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

CA

- 12) Proposed Personal/Professional Services Agreement with Perspective Design Architects, Inc., doing business as PDA, Inc., an independent contractor, for architectural design services for budgeted construction projects, for the period February 15, 2023 through February 14, 2026, in an amount not to exceed \$750,000 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 024-2023  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

- 13) Presentation on Report of Independent Auditors from Moss Adams LLP regarding the audit of Kern Medical Center financial statements for the fiscal year ended June 30, 2022 –  
STELIAN DAMU, MOSS ADAMS LLP, HEARD REGARDING THE REPORT OF THE AUDIT OF KERN MEDICAL CENTER FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2022; GILBERT GARCIA, COMMUNITY MEMBER AND SEIU MEMBER, HEARD REGARDING PAYMENTS TO CANTU MANAGEMENT GROUP, DEMANDS PLACED ON SEIU MEMBERS AND REQUEST TO HOLD MANAGEMENT ACCOUNTABLE; LAUREN LOPEZ, BIOMEDICAL, HEARD REGARDING PUBLIC ACCESS TO KERN COUNTY HOSPITAL AUTHORITY BOARD AGENDA AND RELATED ITEMS; RECEIVED AND FILED; REFERRED TO KERN COUNTY BOARD OF SUPERVISORS; CHIEF EXECUTIVE OFFICER SCOTT THYGERSON RESPONDED TO MS. LOPEZ'S QUESTION  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

CA

- 14) Kern County Hospital Authority Chief Financial Officer report –  
RECEIVED AND FILED  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

CA

- 15) Kern County Hospital Authority Chief Executive Officer report –  
RECEIVED AND FILED  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

CA

- 16) Monthly report on What's Happening at Kern Medical Center –  
RECEIVED AND FILED  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

CA

- 17) Miscellaneous Correspondence as of January 31, 2023 –  
RECEIVED AND FILED  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

CA

- 18) Claims and Lawsuits Filed as of January 31, 2023 –  
RECEIVED AND FILED  
**Pelz-Brar: 4 Ayes; 2 Absent - Bigler, McLaughlin**

ADJOURNED TO CLOSED SESSION  
**Brar-Alsop**

CLOSED SESSION

- 19) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 20) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Jihad Akil Hashim v. Kern County Hospital Authority, (A California Public Entity), and DOES 1 through 50, inclusive, Defendants, United States District Court, Eastern District of California, Case No. 1:21-cv-00773-JLT-CDB – SEE RESULTS BELOW
- 21) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Maria Elena Lopez-Rodriguez v. Kern Medical Surgery Center, LLC (a California Limited Liability Company); Kern Medical Center Foundation (a California Corporation); Kern Medical Center (an organization form unknown); Kern County Hospital Authority (an organization form unknown; Marie Ruffin (an Individual); and DOES 3-100, inclusive, Defendants, United States District Court, Eastern District of California, Case No. 1:20-cv-01187-ADA-CDB – SEE RESULTS BELOW
- 22) 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
- 23) 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
- 24) 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
- 25) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – SEE RESULTS BELOW

RECONVENED FROM CLOSED SESSION  
**Pelz-Alsop**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item No. 19 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 ALSOP, SECOND BY DIRECTOR PELZ; 2 ABSENT - DIRECTORS BIGLER AND MCLAUGHLIN), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, REQUEST CHANGE IN STAFF STATUS, VOLUNTARY RESIGNATION OF PRIVILEGES, AND AUTOMATIC TERMINATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item No. 20 concerning CONFERENCE WITH LEGAL COUNSEL – FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Jihad Akil Hashim v. Kern County Hospital Authority, (A California Public Entity), and DOES 1 through 50, inclusive, Defendants, United States District Court, Eastern District of California, Case No. 1:21-cv-00773-JLT-CDB – NOT HEARD

Item No. 21 concerning CONFERENCE WITH LEGAL COUNSEL – FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Maria Elena Lopez-Rodriguez v. Kern Medical Surgery Center, LLC (a California Limited Liability Company); Kern Medical Center Foundation (a California Corporation); Kern Medical Center (an organization form unknown); Kern County Hospital Authority (an organization form unknown; Marie Ruffin (an Individual); and DOES 3-100, inclusive, Defendants, United States District Court, Eastern District of California, Case No. 1:20-cv-01187-ADA-CDB – NOT HEARD

Item No. 22 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 – NOT HEARD

Item No. 23 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 – NOT HEARD

Item No. 24 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. 25 concerning PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Title: Chief Executive Officer (Government Code Section 54957) – NOT HEARD

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

**Brar**



/s/ Mona A. Allen  
Authority Board Coordinator



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