



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, May 15, 2024

11:30 A.M.

BOARD RECONVENED

Board Members: Berjis, Martinez, McLaughlin, Neal, Pelz, Pollard
Roll Call: 4 Present; 2 Absent - Neal, Pollard

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

RECOGNITION

- 1) Presentation by the Chief Executive Officer recognizing Kern Medical Center employees from the Addiction Medicine Fellowship, General Surgery Residency and Medical Education Department –
DIRECTOR BERJIS MADE PRESENTATION

PUBLIC PRESENTATIONS

- 2) 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

MEMBER ANNOUNCEMENTS OR REPORTS

- 3) 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 REPORTED ON THE UPCOMING 5TH ANNUAL SOUTHERN SAN JOAQUIN VALLEY REGIONAL RESEARCH FORUM ON MAY 23, 2024 AT BAKERSFIELD COLLEGE AND RECOGNITION DINNER FOR GRADUATING RESIDENTS AND FELLOWS ON JUNE 6, 2024

ITEMS FOR CONSIDERATION

CA

- 4) Minutes for the Kern County Hospital Authority Board of Governors regular meeting April 17, 2024 –
APPROVED
Pelz-Berjis; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 5) Proposed Resolution in the matter of revising the extension of excess medical professional liability coverage for Kern Medical Center employed and independent contractor physicians, effective May 15, 2024 –
APPROVED; ADOPTED RESOLUTION 2024-016
Pelz-Berjis; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 6) Proposed First Amendment to Bylaws of the Medical Staff of Kern Medical Center, amending the election procedures for President of Staff and President of Staff Elect, effective May 15, 2024 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 078-2024
Pelz-Berjis; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 7) Proposed acceptance of donation of travel and related expenses from Safety National for one Kern Medical Center employee to attend the AVADE® Workplace Violence Prevention Certification Training conference in Las Vegas, Nevada, from June 17-21, 2024 –
APPROVED; ADOPTED RESOLUTION 2024-017
Pelz-Berjis; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 8) Proposed Amendment No. 3 to Personal/Professional Services Agreement 057-2020 with Thyssenkrupp Elevator Corporation, an independent contractor, for design and construction upgrades to the D Wing elevators, increasing the maximum payable by \$24,750, from \$2,494,554 to \$2,519,304, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 079-2024
Pelz-Berjjs; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 9) Proposed Agreement with Bracco Diagnostics, Inc., an independent contractor, containing nonstandard terms and conditions, for placement of two contrast injectors from May 15, 2024 through May 14, 2029, in an amount not to exceed \$55,400 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 080-2024
Pelz-Berjjs; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 10) Proposed Amendment No. 2 to Agreement 14228 with Viper Trailer Repair, LLC, an independent contractor, for maintenance of the MRI trailer and Mobile Clinic vehicles for the period March 15, 2021 through March 14, 2027, increasing the maximum payable by \$150,000, from \$178,375 to \$328,375, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 081-2024
Pelz-Berjjs; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 11) Proposed Quotation 7000385465 with Acist Medical Systems, Inc., an independent contractor, containing nonstandard terms and conditions, for repair of a contrast injector and loaner, in an amount not to exceed \$28,882, plus applicable taxes and fees, effective May 15, 2024 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 082-2024
Pelz-Berjjs; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 12) Proposed Schedule 7 to Master Agreement 388-2016 with Elsevier Inc., an independent contractor, for the period April 26, 2016 through December 12, 2026, for purchase of a diagnostic decision support system for the Department of Radiology, for a Schedule 7 term of two years May 15, 2024 through May 14, 2026, in an amount not to exceed \$46,691 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 083-2024
Pelz-Berjjs; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 13) Proposed Amendment No. 2 to Master Agreement 388-2016 with Elsevier Inc., an independent contractor, for the period April 26, 2016 through December 12, 2026, to align the expiration date of all schedules to the expiration date of the Master Agreement –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 084-2024
Pelz-Berjjs; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 14) Proposed Service Contract with Sciton, Inc., an independent contractor, containing nonstandard terms and conditions, for laser device maintenance from June 3, 2024 through June 2, 2025, in an amount not to exceed \$22,454 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 085-2024
Pelz-Berjjs; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 15) Proposed RetinaVue Network Software Plan Only Agreement with Welch Allyn, Inc., an independent contractor, containing nonstandard terms and conditions, for access to cloud-based software for the provision of optical services from May 15, 2024 through May 14, 2026, in an amount not to exceed \$4,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 086-2024
Pelz-Berjis; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 16) Proposed Quotation 60419303 with Welch Allyn, Inc., a subsidiary of Baxter International Inc., an independent contractor, containing nonstandard terms and conditions, for purchase of a RetinaVue fundus camera, in an amount not to exceed \$3,720 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 087-2024
Pelz-Berjis; 4 Ayes; 2 Absent - Neal, Pollard

- 17) Proposed recommendation to Kern County Board of Supervisors to appoint a qualified candidate to the Kern County Hospital Authority Board of Governors to fill the community at large member vacancy created by the resignation of Russell E. Bigler, term to expire June 30, 2025 –
DISCUSSED; MADE RECOMMENDATION TO APPOINT ERIC MERZ TO FILL THE COMMUNITY AT LARGE MEMBER VACANCY CREATED BY THE RESIGNATION OF RUSSELL E. BIGLER, TERM TO EXPIRE JUNE 30, 2025; REFERRED TO KERN COUNTY BOARD OF SUPERVISORS TO MAKE APPOINTMENT
Martinez-Pelz; 4 Ayes; 2 Absent - Neal, Pollard

- 18) Kern County Hospital Authority Chief Financial Officer report –
RECEIVED AND FILED
Berjis-Pelz; 4 Ayes; 2 Absent - Neal, Pollard

- 19) Proposed Kern County Hospital Authority operating and capital budget for Fiscal Year 2024-2025 –
APPROVED; REFERRED TO KERN COUNTY BOARD OF SUPERVISORS FOR APPROVAL
Martinez-Pelz; 4 Ayes; 2 Absent - Neal, Pollard

- 20) Kern County Hospital Authority Chief Executive Officer report –
RECEIVED AND FILED
Berjis-Martinez; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 21) Monthly report on What's Happening at Kern Medical Center –
RECEIVED AND FILED
Pelz-Berjis; 4 Ayes; 2 Absent - Neal, Pollard

CA

- 22) Claims and Lawsuits Filed as of April 30, 2024 –
RECEIVED AND FILED
Pelz-Berjis; 4 Ayes; 2 Absent - Neal, Pollard

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(j)(2)) – SEE RESULTS BELOW
- 24) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Employee Organizations: Committee of Interns and Residents/Service Employees International Union, Local 1957 (Government Code Section 54957.6) – 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 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
- 26) 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
- 27) 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

RECONVENED FROM CLOSED SESSION

Pelz-Berjis

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item 23 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 NEAL AND POLLARD), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE OF PROCTORING, REQUEST FOR CHANGE IN STAFF STATUS, AND VOLUNTARY RESIGNATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item 24 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Employee Organizations: Committee of Interns and Residents/Service Employees International Union, Local 1957 (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

Item 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 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

NOTE: CHIEF EXECUTIVE OFFICER SCOTT THYGERSON LEFT THE ROOM PRIOR TO THE DISCUSSION ON AGENDA ITEM 26

Item 26 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

NOTE: CHIEF EXECUTIVE OFFICER SCOTT THYGERSON RETURNED TO THE MEETING FOLLOWING THE DISCUSSION ON AGENDA ITEM 26

Item 27 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

ADJOURNED TO WEDNESDAY, JUNE 19, 2024 AT 11:30 A.M.

Martinez



/s/ Mona A. Allen
Authority Board Coordinator



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