



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, November 20, 2024

11:30 A.M.

BOARD RECONVENED

Board Members: Anderson, Berjis, McLaughlin, Merz, Pelz, Pollard
Roll Call: 5 Present; 1 Absent - Anderson

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 Human Resources Department –
CHIEF EXECUTIVE OFFICER SCOTT THYGERSON MADE PRESENTATION; HUMAN RESOURCES STAFF DONNA SODERSTEN, SHANAN MALLARD, AMBER RYAN, JOSH TORRES, AND LISA HOCKERSMITH INTRODUCED; CHAIRMAN MCLAUGHLIN THANKED STAFF FOR THEIR DEDICATION AND SERVICE

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

BOARD 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)) –
NO ONE HEARD

ITEMS FOR CONSIDERATION

- CA
4) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on October 16, 2024 and special meeting on October 21, 2024 –
APPROVED
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson
- CA
5) Proposed Agreement with Aslan GhandForoush, D.O., a contract employee, for professional medical and administrative services in the Department of Medicine from November 26, 2024 through November 25, 2029, in an amount not to exceed \$5,000,000, plus applicable benefits –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 187-2024
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson
- CA
6) Proposed Agreement with Alfred J. Coppola, Jr., M.D., an independent contractor, for professional medical services in the Department of Surgery from December 1, 2024 through November 30, 2027, in an amount not to exceed \$1,200,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 188-2024
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson
- CA
7) Proposed Quote 10024565-4 with Hill-Rom Company, Inc., an independent contractor, containing nonstandard terms and conditions, for purchase of a Tru System 7000 da Vinci surgical bed and protection plan, in an amount not to exceed \$115,119 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 189-2024
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

CA

- 8) Proposed Subscription Renewal Quote Q-1323241 with Lansweeper Inc., an independent contractor, containing nonstandard terms and conditions, for purchase of product licenses in support of information technology asset management for a term of one year from December 18, 2024 through December 17, 2025, in an amount not to exceed \$16,001 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 190-2024
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

CA

- 9) Proposed Change Order No. 1 to Agreement 148-2024 with CBCM Services, Inc., an independent contractor, for installation of an emergency sewer line, increasing the maximum payable by \$33,598, from \$280,780 to \$314,378, to cover project completion – 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 191-2024; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10%, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$345,816
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

CA

- 10) Proposed Second Amendment to Agreement 2016-013 with the County of Kern for lease of a portion of the Multi-Use Warehouse at the Mount Vernon Complex, increasing the rental space from 1,200 square feet to approximately 2,400 square feet, and increasing the maximum payable by \$28,041, from \$28,041 to \$56,082, to cover the term – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 192-2024
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

CA

- 11) Proposed Agreement with Vigilanz Corporation, an independent contractor, containing nonstandard terms and conditions, for purchase of pharmaceutical software to improve regulatory compliance from November 20, 2024 through November 19, 2027, in an amount not to exceed \$214,609 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 193-2024
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

CA

- 12) Proposed acceptance of donation of travel and related expenses from Safety National and PRISM, for one Kern Medical Center employee to attend the HCCA “Healthcare Basic Compliance Academy” from December 9-12, 2024, in San Diego, California – APPROVED; ADOPTED RESOLUTION 2024-027
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

CA

- 13) Proposed Amendment No. 3 to Agreement 099-2023 with Alton Scott Thygerson, a contract employee, adding performance-based metrics for fiscal year 2024-2025 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 194-2024
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

CA

- 14) Proposed Engagement Letter and Professional Services Agreement with Moss Adams LLP, an independent contractor, regarding the audit of Kern County Hospital Authority Deferred Compensation Plan for Physician Employees financial statements and net assets available for benefits as of December 31, 2023, in an amount not to exceed \$35,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 195-2024
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

CA

- 15) Proposed Order Form Q-130142 with Inovalon Provider, Inc., an independent contractor, containing nonstandard terms and conditions, for purchase of Claims Management Pro Business Services software for a term of four years from December 1, 2024 through November 30, 2028, in an amount not to exceed \$1,311,384 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 196-2024
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

CA

- 16) Proposed Ordering Document CPQ-3618871 with Oracle America, Inc., an independent contractor, containing nonstandard terms and conditions, for purchase of software integration services, effective November 20, 2024, until project completion, in an amount not to exceed \$129,514 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 197-2024
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

CA

- 17) Report on Kern County Hospital Authority Construction Projects –
RECEIVED AND FILED
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

CA

- 18) Proposed Product Purchase Agreement with Nielsen BioSciences, Inc., an independent contractor, containing nonstandard terms and conditions, for a one-time purchase of spherusol (a testing agent), effective November 20, 2024, in an amount not to exceed \$12,650 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 198-2024
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

CA

- 19) Proposed online purchase of satellite internet communication services from Space Exploration Technologies Corp., an independent contractor, containing nonstandard terms and conditions, in an amount not to exceed \$500 per month –
APPROVED AGREEMENT 199-2024; AUTHORIZED CHIEF EXECUTIVE OFFICER TO PURCHASE
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

20)

- Proposed retroactive Agreement with Baxter Healthcare Corporation, an independent contractor, containing nonstandard terms and conditions, for dialysis supplies from January 12, 2024 through December 31, 2026, in an amount not to exceed \$6,000 –
CHIEF OPERATING OFFICER TYLER WHITEZEL HEARD REGARDING THE RETROACTIVITY OF ITEM 20; MR. WHITEZELL RELAYED THE MEASURES THAT ARE IN PLACE TO PREVENT UNAUTHORIZED SIGNATURES ON CONTRACTS IN THE FUTURE; CHAIRMAN MCLAUGHLIN ASKED WHY BAXTER DID NOT QUESTION THE SIGNATURE; APPROVED AGREEMENT 200-2024
Berjis-Merz: 5 Ayes; 1 Absent – Anderson

- 21) Request to pursue Federally Qualified Health Center (FQHC) Certification – CHIEF OPERATING OFFICER TYLER WHITEZELL HEARD REGARDING REQUEST TO PURSUE FQHC CERTIFICATION; MR. WHITEZELL RESPONDED TO QUESTIONS FROM CHAIRMAN MCLAUGHLIN ABOUT SERVICE AREA AND CONTRACTS TO FACILITATE CLINIC SERVICES, AND DIRECTOR POLLARD REGARDING HOW STAFF INTENDS TO IDENTIFY QUALIFIED APPLICANTS FOR APPOINTMENT TO THE FQHC BOARD; APPROVED REQUEST; APPROVED FQHC BOARD MEMBER APPLICATION; DIRECTED STAFF TO SEEK OUT QUALIFIED APPLICANTS FOR APPOINTMENT TO THE FQHC BOARD
Pelz-Pollard: 5 Ayes; 1 Absent - Anderson
- 22) Report on referral to staff from March 20, 2024 to address retroactive contracts and develop a process to minimize the placement of such items on future agenda – CHIEF FINANCIAL OFFICER ANDREW CANTU HEARD; DIRECTOR BERJIS REQUESTED A FOLLOW-UP REPORT TO BE PRESENTED AT THE FEBRUARY 2025 BOARD MEETING; DIRECTOR POLLARD COMMENDED STAFF ON THE REDUCTION OF THE NUMBER OF RETROACTIVE AGREEMENTS; RECEIVED AND FILED
Berjis; Pollard: 5 Ayes; 1 Absent - Anderson
- 23) Kern County Hospital Authority Chief Financial Officer report – CHIEF FINANCIAL OFFICER ANDREW CANTU HEARD; DIRECTOR MERZ AND CHAIRMAN MCLAUGHLIN REQUESTED THAT A COMPARISON OF CASH ON HAND FROM SEPTEMBER 2023 TO SEPTEMBER 2024 BE PRESENTED AS PART OF THE CHIEF FINANCIAL OFFICER REPORT AT THE DECEMBER BOARD MEETING; RECEIVED AND FILED
Merz-Pollard: 5 Ayes; 1 Absent - Anderson
- 24) Kern County Hospital Authority Chief Executive Officer report – CHIEF EXECUTIVE OFFICER SCOTT THYGERSON HEARD; RECEIVED AND FILED
Pollard-Berjis: 5 Ayes; 1 Absent - Anderson
- CA
- 25) Monthly report on What's Happening at Kern Medical Center – RECEIVED AND FILED
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson
- CA
- 26) Claims and Lawsuits Filed as of October 31, 2024 – RECEIVED AND FILED
Pollard-Pelz: 5 Ayes; 1 Absent - Anderson

ADJOURNED TO CLOSED SESSION
Pelz-Merz

CLOSED SESSION

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

- 28) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Jeffry Huffman, an individual, Plaintiff, v. Kern County Hospital Authority, a California Public Entity; and DOES 1-25, inclusive, Defendants, Kern County Superior Court Case No. BCV-23-103540 – SEE RESULTS BELOW
- 29) Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 30) 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
- 31) 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

RECONVENED FROM CLOSED SESSION

Pollard-Merz

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item 27 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 MERZ, SECOND BY DIRECTOR POLLARD; 1 ABSENT - DIRECTOR ANDERSON; 1 ABSTENTION - DIRECTOR BERJIS), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE OF PROCTORING, REQUEST FOR CHANGE IN STAFF STATUS, REQUEST FOR ADDITIONAL PRIVILEGES, VOLUNTARY RESIGNATION OF PRIVILEGES, AND AUTOMATIC TERMINATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item 28 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Jeffry Huffman, an individual, Plaintiff, v. Kern County Hospital Authority, a California Public Entity; and DOES 1-25, inclusive, Defendants, Kern County Superior Court Case No. BCV-23-103540 – HEARD; NO REPORTABLE ACTION TAKEN

Item 29 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 30 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 31 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

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

Pollard



/s/ Mona A. Allen
Authority Board Coordinator



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