

# HARRIS HEALTH SYSTEM

## HARRIS HEALTH SYSTEM

### MINUTES OF THE BOARD OF TRUSTEES MEETING

Thursday, August 29, 2019

Board Room – Administration Building

#### Members Present:

Ms. Anne Clutterbuck, Chair (1:28 p.m. departure)  
Dr. Kimberly Monday, Vice Chair  
Ms. Linda Morales, Secretary  
Dr. Arthur Bracey  
Mr. Lawrence Finder (12:30 p.m. departure)  
Dr. Ewan Johnson  
Ms. Elena Marks  
Mr. Art Morales  
Ms. Alicia Reyes

#### Members Absent:

#### Others Present:

Mr. George Masi, President & Chief Executive Officer  
Mr. Michael Hill, Interim Senior Executive Vice President & Chief Operating Officer  
Mr. Michael Norby, Executive Vice President & Chief Financial Officer  
Dr. Nathan Deal, Executive Vice President & Administrator, Ben Taub Hospital  
Ms. Patricia Darnauer, Executive Vice President & Administrator, Lyndon B. Johnson Hospital  
Dr. Glorimar Medina-Rivera, Executive Vice President & Administrator, Ambulatory Care Services, and Interim Chief Medical Officer  
Dr. Maureen Padilla, Senior Vice President & Chief Nursing Executive  
Mr. Omar Reid, Senior Vice President, Human Resources  
Ms. Karen Tseng, Senior Vice President, Population Health Transformation  
Ms.Carolynn Jones, Senior Vice President, Corporate Compliance  
Dr. Yvonne Chu, General Director, Affiliated Medical Services  
Dr. Kenneth Mattox, Chief of Staff, Ben Taub Hospital  
Dr. Tien Ko, Chief of Staff, Lyndon B. Johnson Hospital  
Dr. Mohammad Zare, Chief of Staff, Ambulatory Care Services  
Mr. Christopher Okezie, Vice President, System Operations  
Dr. Jennifer Small, Vice President & Associate Administrator, Ambulatory Care Services  
Ms. Nicole Streeter, Vice President, Chief Governance Officer  
Ms. Sara Thomas, Attorney, Harris County Attorney's Office  
Ms. Erikka Perkins, Chief Assistant County Auditor, Harris County Auditor's Office  
Mr. DeWight Dopslauf, Purchasing Agent, Harris County Purchasing  
Ms. Peggy Boice, Harris County Judge Lina Hidalgo's Office  
Ms. Carole Lamont, Commissioner Steve Radack's Office (9:20 a.m. arrival)  
Mr. Paul Shanklin, Commissioner Jack Cagle's Office  
Ms. Amber Weed, Commissioner Ellis's Office  
Administrative Staff  
Guests  
(Sign-in Sheets attached to permanent record)

## **I. Call to Order and Record of Attendance**

Ms. Anne Clutterbuck, Chair, called the meeting to order at 9:00 a.m., and noted that a quorum was present. The attendance was recorded.

## **II. Approval of the Minutes of Previous Meetings**

### **Motion 19.08-75**

Moved by Ms. Linda Morales, seconded by Mr. Lawrence Finder, and unanimously passed that the Board approve the minutes of the regularly scheduled June 27 Board of Trustees meeting and the June 13, 2019 and July 10, 2019 Special Called Board of Trustees meetings.

## **III. Announcements / Special Presentations**

**A. Special Recognition** – Dr. Glorimar Medina, Executive Vice President and Administrator, Ambulatory Care Services, and Interim Chief Medical Officer, recognized Ms. Fadine Roquemore for her efforts in obtaining a Houston METRO bus stop at the Martin Luther King Health Center. Dr. Medina stated that as a result of Ms. Roquemore's efforts, the new stop allows patients who utilize METRO to access the health center safely without having to cross through traffic on Scott Street. She noted that Ms. Roquemore serves as the chair of the Martin Luther King Health Center Council and as the chair of the Harris Health System Council at-Large. Dr. Medina expressed gratitude to Ms. Roquemore for her record of service with Harris Health and the Harris County community, and she presented Ms. Roquemore with an award as a token of appreciation on behalf of the Harris Health administration. A video from the Harris Health Center for Innovation commemorating Ms. Roquemore and the METRO bus stop was presented to the Board.

**B. Board Member Announcements** regarding Board member advocacy and community engagement. Mr. Art Morales, Ms. Alicia Reyes, and Ms. Linda Morales visited the Strawberry Health Center Food Pharmacy. Ms. Morales attended the keynote address at the Mexican Consulate in honor of Labor Rights Week 2019. Ms. Clutterbuck attended the ribbon cutting ceremony held on Wednesday, August 28, 2019 to celebrate the newly-renovated operating rooms at Ben Taub Hospital (BTH). She expressed gratitude to the Harris Health staff and leadership for their efforts in preparing for the upcoming Centers for Medicare & Medicaid Services (CMS) site visit.

## **IV. Hear from Citizens**

Ms. Angela Charles spoke regarding her concern with Harris Health's retiree health insurance benefits. She stated that she is uncertain how Harris Health's proposed Health Reimbursement Account (HRA) will affect the current retiree medical plan structure and the retirees' Medicare benefits. Ms. Charles requested that Harris Health keep its promise to provide healthcare benefits upon retirement in exchange for the years of service provided by the retirees.

Ms. Cynthia Cole, Executive Director, Local #1550 – AFSCME, American Federation of State, County, and Municipal Employees, requested that Harris Health return a sense of pride to its employees. She stated that the organizational culture has been negatively affected by high turnover rates, mistrust, and hostility. Ms. Cole further stated that

employees from multiple departments within the organization have contacted AFSCME regarding their dissatisfaction with the workplace and feeling devalued. She emphasized that staff who feel valued will in turn deliver higher levels of service to patients and the community.

## V. Consent Agenda Items

### A. Recommended Committee Approvals

#### Motion 19.08-76

Moved by Dr. Arthur Bracey, seconded by Mr. Art Morales, and passed that the Board approve agenda items V.A(1)a. through V.A(1)kk. and V.A(1)mm. through V.A.7. Dr. Bracey recused from purchasing item A(1)aa. Mr. Lawrence Finder recused from the following purchasing items: A(1)b., A(1)c., A(1)e., A(1)f., A(1)h., A(1)i., A(1)j., A(1)l., A(1)m., A(1)n., A(1)o., A(1)p., A(1)q., A(1)r., A(1)s., A(1)t., A(1)u., A(1)v., A(1)w., A(1)cc., A(1)ii., A(1)jj., A(1)kk., A(1)oo., A(1)pp., A(1)qq., A(1)rr., A(1)tt., A(1)uu., A(1)vv., and A(1)zz. Additionally, Mr. Finder recused from Harris Health's affiliation agreement with The University of Texas MD Anderson Cancer Center in agenda item V.A.7.

Dr. Kimberly Monday inquired regarding the status of the Harris County Jail's sharing of inmate medical records with the Greater Houston Healthconnect (Healthconnect), Inc. Mr. Sam Karim, Vice President, Project Management Office and Division Planning, responded that the information technology department is collaborating with the Harris County Attorney's Office to resolve a few remaining legal questions regarding this issue. He stated that he will provide the Board with an update at the September 26, 2019 Board meeting. Ms. Alicia Reyes questioned whether Harris Health's patients are aware that their medical records may be shared with other institutions when they consent to add their information to the Healthconnect database. Mr. Michael Hill, Interim Senior Executive Vice President and Chief Operating Officer, stated that he will provide Ms. Reyes with the script that the Harris Health medical staff utilizes to obtain patient consent. Ms. Clutterbuck recommended that the administration conduct periodic checks and/or implement a patient questionnaire to determine whether patients have a genuine understanding regarding the inclusion of their medical records in the Healthconnect database.

1. Consideration of Purchasing Recommendations Requiring Board Approval (Items A(1)a. through A(1)zz.)
  - a. approve additional (budgeted) funds for Kirksey Architecture to provide professional architectural and engineering services for various projects in the estimated additional (budgeted) amount of \$1,300,000 for the term July 18, 2019 through July 17, 2020 (Board previously approved funds in the amount of \$500,000 for the term July 18, 2019 through July 17, 2020).
  - b. approve purchase on the basis of best contract for Olympus America Inc. [PP-OR-1457] to provide flexible surgical endoscopy and video equipment in the amount of \$867,124.
  - c. approve purchase on the basis of sole source for CareFusion 303, Inc. [PP-IV-110] to provide large volume infusion pumps in the amount of \$265,440.
  - d. approve additional (budgeted) funds for Smith Seckman Reid, Inc. to provide professional architectural and engineering services for various projects in the estimated additional (budgeted) amount of \$260,000 for the term October 5, 2018 through

October 4, 2019 (Board previously approved funds in the amount of \$500,000 for the term October 5, 2018 through October 4, 2019).

- e. approve purchase on the basis of lowest-priced contract for GE Healthcare [PP-IM-271] to provide four (4) ultrasound machines in the amount of \$218,382.
- f. approve award on the basis of best proposal meeting requirements for Accruent LLC to provide a computer maintenance management system in the amount of \$165,000 for a one-year initial term with four (4) one-year renewal options.
- g. approve the second and final renewal option for C.L. Davis and Company to provide land surveying services in the estimated amount of \$150,000 for the term September 8, 2019 through September 7, 2020.
- h. approve purchase on the basis of lowest-priced contract for Philips Healthcare [PP-IM-287] to provide one (1) ultrasound unit at Ben Taub Hospital in the amount of \$127,957.
- i. approve purchase on the basis of lowest-priced contract for GE Healthcare [PP-IM-271] to provide thirty-five (35) ultrasound probe disinfectors and consumables in the amount of \$379,984.
- j. approve the second of four (4) renewal options for Smith and Nephew, Inc. (\$871,890) and Zimmer US, Inc. d/b/a Zimmer Biomet (\$1,443,485) to provide orthopedic implants in the estimated multi-vendor amount of \$2,315,375 for the term September 8, 2019 through September 7, 2020.
- k. approve the second of four (4) renewal options for Texas Medical Center Laundry to provide linen processing, cart building, and linen distribution services in the estimated amount of \$1,795,580 for the term September 1, 2019 through August 31, 2020.
- l. approve the third of four (4) renewal options for CareFusion Solutions, LLC [PPPH20CFS01] to provide leasing and maintenance of the Pyxis supply distribution system in the estimated amount of \$1,137,528 for the term October 1, 2019 through September 30, 2020.
- m. approve the third of four (4) renewal options for Baxter Healthcare Corporation to provide dialysis supplies in the estimated amount of \$882,978 for the term September 1, 2019 through August 31, 2020.
- n. approve first-year funding on the basis of best contracts for Molnlycke Health Care [PP-OR-1625](Items 59-72)(\$14,835), Cardinal Health 200, LLC [PP-OR-1621](Items 1-26)(\$16,079), and Medline Industries, Inc. [PP-OR-1624](Items 27-58)(\$551,378) to provide surgeon gloves in the estimated multi-vendor amount of \$582,292 for the term May 1, 2019 through April 30, 2020.
- o. ratify the corrected term and the second of four (4) renewal options for CareFusion Solutions, LLC [PP-IV-120] through Cardinal Health to provide infusion sets and accessories in the estimated amount of \$400,441 for the term August 1, 2019 through July 31, 2020 (corrected and second renewal term).
- p. approve second-year funding for the GPO contract for 3M Company [PP-OR-1547] through Cardinal Health to provide patient warming – convective warming blankets in

- the estimated amount of \$310,748 for the term October 1, 2019 through September 30, 2020.
- q. approve third-year funding for the GPO contract for Cardinal Health 200, LLC f/k/a Covidien Sales LLC [AS-NS-1082] through Cardinal Health to provide ECG electrodes, cables, lead wires, and defibrillator pads in the estimated amount of \$193,441 for the term October 1, 2019 through September 30, 2020.
  - r. approve third-year funding for the GPO contracts for Stryker Sales Corporation [PP-OR-1430](\$26,864) and Aesculap, Inc. [PP-OR-1431](\$161,735) to provide neurosurgical products in the estimated multi-vendor amount of \$188,599 for the term September 1, 2019 through August 31, 2020.
  - s. approve third-year funding for the GPO contract for Integra LifeSciences Corporation [PP-OR-1433] to provide neurosurgical dural repair and related products in the estimated amount of \$171,913 for the term September 1, 2019 through August 31, 2020.
  - t. approve third-year funding for the GPO contract for Penumbra Inc. [PP-CA-310] to provide neurovascular interventional radiology products in the estimated amount of \$128,174 for the term September 1, 2019 through August 31, 2020.
  - u. approve third-year funding for the GPO contract for Integra LifeSciences Corporation [PP-OR-1434] to provide neurosurgical critical care products in the estimated amount of \$127,845 for the term September 1, 2019 through August 31, 2020.
  - v. approve second-year funding for the GPO contract for Boston Scientific Corporation [PP-OR-1552] to provide surgical incontinence products in the estimated amount of \$106,784 for the term September 1, 2019 through August 31, 2020.
  - w. approve third-year funding for the GPO contract for O&M Halyard, Inc. [AS-MM-490] through Cardinal Health to provide sterilization wrap in the estimated amount of \$102,987 for the term October 1, 2019 through September 30, 2020.
  - x. approve renewal for Harris County Hospital District d/b/a Harris Health System to provide security services for space leased to The Harris Center for Mental Health and IDD at the Neuro-Psychiatric Center at Ben Taub Hospital in the estimated revenue amount of \$249,060 for the term September 1, 2019 through August 31, 2020.
  - y. approve the third of four (4) renewal options for West Interactive Services Corporation to provide a patient communication system in the estimated amount of \$349,440 for the term September 14, 2019 through September 13, 2020.
  - z. approve renewal for Harris County Hospital District d/b/a Harris Health System to provide housekeeping services for space leased to The Harris Center for Mental Health and IDD at the Neuro-Psychiatric Center at Ben Taub Hospital in the estimated revenue amount of \$224,889 for the term September 1, 2019 through August 31, 2020.
  - aa. approve renewal for the Gulf Coast Regional Blood Center to provide blood and blood products and services in the estimated amount of \$8,247,880 for the term August 28, 2019 through August 27, 2020.

- bb. ratify renewal for Community Health Choice, Inc. to provide third-party administration of healthcare claims from non-affiliated providers in the estimated amount of \$250,000 for the term March 1, 2019 through February 29, 2020.
- cc. approve provision for The University of Texas at Austin to provide an eTobacco protocol for the term October 1, 2019 through September 30, 2020 with two (2) one-year renewal options.
- dd. approve the fourth and final renewal option for PLB Dental Services, PLLC to provide the operation of dental facilities in the estimated amount of \$5,446,213 for the term October 1, 2019 through September 30, 2020.
- ee. approve the fourth and final renewal option for Fresh Brew Group USA, L.P. to provide vending machine services in the estimated revenue amount of \$310,000 for the term September 15, 2019 through September 14, 2020.
- ff. approve renewal for Harris County Hospital District d/b/a Harris Health System to provide meals for patients in the space leased to The Harris Center for Mental Health and IDD at the Neuro-Psychiatric Center at Ben Taub Hospital in the estimated revenue amount of \$276,000 for the term September 1, 2019 through August 31, 2020.
- gg. ratify renewal as an exception to the Harris Health System Purchasing Manual requirements for Pharmaceutical Strategies Group, LLC through the Texas Association of Community Health Plans to provide a pharmacy benefit management compliance audit for Community Health Choice, Inc. in the estimated amount of \$77,000 for the term July 1, 2019 through June 30, 2020.
- hh. approve the third of four (4) renewal options for Tri State Distribution, Inc. to provide prescription vials in the estimated amount of \$449,675 for the term October 1, 2019 through September 30, 2020.
- ii. approve renewal on the basis of sole source for Innovation Associates, Inc. to provide maintenance and support for the Central Fill Pharmacy System in the estimated amount of \$363,456 for the term September 4, 2019 through September 3, 2020.
- jj. rescind the award for Omnicell to provide a pharmacy cleanroom workflow management solution for a one-year initial term with four (4) one-year renewal options.
- kk. approve the first of four (4) renewal options for Aon Hewitt Investment Consulting, Inc. to provide investment consulting services for the 401K Plan, 457(b) Plan, and Pension Plan in the estimated amount of \$216,240 for the term October 1, 2019 through September 30, 2020.
- ll. **PULLED from Consent Agenda** (This item will be reviewed under General Action Items, Agenda Item VII.B.1.)  
approve an exemption from the competitive bid requirements for Avant Healthcare Professionals, LLC to provide international registered nurses for long-term temporary employment in the estimated amount of \$11,810,729 for a one-year initial term with four (4) one-year renewal options.
- mm. approve the second of four (4) renewal options for Life Insurance Company of North America (LINA), a Cigna Company, to provide long-term and short-term disability coverages and Family Medical Leave Act and Americans with Disabilities Act

administration in the estimated amount of \$3,419,304 for the term October 1, 2019 through September 30, 2020.

- nn. approve an exemption from the competitive bid requirements for Findley, Inc. to provide actuarial services in the estimated amount of \$139,050 for the term October 1, 2019 through September 30, 2020 with four (4) one-year renewal options.
- oo. approve an award on the basis of best proposal meeting requirements for Alliant Insurance Services, Inc. to provide human resources consulting services in the estimated amount of \$235,000 for a one-year initial term with four (4) one-year renewal options.
- pp. approve the first and final renewal option for Nelson Mullins Riley & Scarborough LLP to provide special counsel services in the estimated amount of \$460,000 for the term September 7, 2019 through September 6, 2020.
- qq. approve additional funds for Rauland-Borg Corporation [PP-IT-184] through Lone Star Communications Houston to provide nurse call systems in the additional amount of \$2,224,052 for the term April 1, 2019 through March 30, 2020 (Board previously approved funds in the amount of \$123,756 for the term April 1, 2019 through March 30, 2020).
- rr. approve purchase on the basis of product standardization for Hewlett Packard Company [DIR-TSO-4159] to provide Hewlett Packard desktop computers in the estimated amount of \$1,300,000 for the DIR term September 2019 through September 27, 2020.
- ss. approve purchase on the basis of only quote for Mark III Systems, Inc. [DIR-TSO-3997] to provide maintenance for IBM enterprise-wide hardware and software in the estimated amount of \$859,935 for the term September 1, 2019 through August 31, 2020.
- tt. approve purchase on the basis of low quote for General Datatech, L.P. [DIR-TSO-4167] to provide a technology refresh of Cisco equipment for vendor network infrastructure in the estimated amount of \$334,058.
- uu. approve purchase on the basis of low quote for General Datatech, L.P. [DIR-TSO-4167] to provide Cisco equipment for the voice over IP telephone system in the estimated amount of \$283,887.
- vv. rescind award and ratify additional funds for Epic Systems Corporation to provide implementation and support services for the Epic Enterprise Information Systems in the estimated additional amount of \$246,500 for the term July 8, 2018 through July 7, 2019 (Board previously approved funds in the amount of \$2,036,100 for the term July 8, 2018 through July 7, 2019).

Ms. Clutterbuck requested that the Board receive a status report regarding the utilization of Epic software at Harris Health so that the Board may review the Epic projects that have been implemented and which Epic tools and updates should be considered in the future. Dr. Arthur Bracey and Ms. Elena Marks requested that the Board receive a report regarding how Harris Health utilizes data analytics to provide improved service to its patients.

- ww. approve purchase on the basis of only quote for SHI Government Solutions, Inc. [DIR-TSO-4291] to provide support and maintenance for Symantec anti-virus and malware

software in the estimated amount of \$145,708 for the term September 30, 2019 through September 29, 2020.

- xx. approve renewal on the basis of sole source for Epic Systems Corporation to provide an Epic MyChart subscription in the estimated amount of \$140,000 for the term September 28, 2019 through September 27, 2020.
  - yy. approve the second of four (4) renewal options for Spok, Inc. to provide leasing of wireless pagers, messaging services, and related items in the estimated amount of \$118,000 for the term October 1, 2019 through September 30, 2020.
  - zz. approve renewal on the basis of sole source for Allscripts Healthcare Solutions, Inc. f/k/a Allscripts Corporation to provide a financial decision support software platform in the estimated amount of \$111,300 for the term October 5, 2019 through October 4, 2020.
2. Approval of an Agreement for Women's Health and Family Planning Services in an Amount Not to Exceed \$103,862 Annually Between Harris County Hospital District d/b/a Harris Health System and the Health and Human Services Commission and Acceptance of Grant Funding for the Healthy Texas Women's Program Services for the Term September 1, 2019 Through August 31, 2021.
  3. Approval of a Data Submission Agreement Between Harris County Hospital District d/b/a Harris Health System and The University of Texas Health Science Center at Tyler for the Maternal Early Warning System Initiative for a One-Year Term With an Additional One-Year Renewal.
  4. Acceptance of the Harris Health System First Quarter Fiscal 2020 Investment Report.
  5. Acceptance of the Harris Health System Second Quarter Calendar Year 2019 Pension Plan Report.
  6. Approval to Ratify an IGT Responsibility Agreement Between Harris County Hospital District d/b/a Harris Health System and Texas Health and Human Services Commission for Participation in the Network Access Improvement Program.
  7. Approval of Affiliation Agreements Between Harris County Hospital District d/b/a Harris Health System and Thirteen (13) Educational Institutions.
    - Aldine Independent School District  
Observation – Health Science Technology Program  
9999 Veterans Memorial Drive, Houston, Texas 77038
    - Baylor College of Medicine  
Administrative Professional Internship Program  
One Baylor Plaza MS: BCM170, Houston, Texas 77030
    - College of the Mainland  
Associate Degree Nursing Program  
1200 North Amburn Road, Texas City, Texas 77591



- Galena Park Independent School District  
Observation – Health Science Technology Program  
14705 Woodforest Boulevard, Houston, Texas 77015
- Houston Baptist University  
School of Health Professions  
Bachelor of Science in Nursing Program  
1515 Holcombe Boulevard, Unit 002, Houston, Texas 77002
- Lone Star College – North Harris  
Associate of Applied Science and Certificate in Emergency Medical Services  
Program  
5000 Research Forest Drive, The Woodlands, Texas 77381
- Rice University  
Food Intervention Social Impact Research Project  
6100 Main Street, MS-531, Houston, Texas 77005
- Texas Southern University  
College of Pharmacy and Health Sciences  
Professional Pharmacy Program  
3100 Cleburne Street, GH-241, Houston, Texas 77004
- University of Houston  
Clinical Pharmacy Faculty  
4849 Calhoun Road, Room 4028, Houston, Texas 77204
- The University of Texas Health Science Center at Houston  
Medical Doctor Program  
7000 Fannin Street, Suite 1732, Houston, Texas 77030
- The University of Texas MD Anderson Cancer Center  
Legal Services – Unit 1674  
Attn: Chief Legal Officer  
Hematology/Medicine Oncology Fellowship Program  
P.O. Box 301407, Houston, Texas 77230-1407
- The University of Texas Medical Branch at Galveston  
School of Nursing  
Doctor of Nursing Practice Program  
301 University Boulevard, Galveston, Texas 77555-1029
- The University of Texas Medical Branch at Galveston  
School of Nursing  
Master of Science in Nursing – Nurse Educator and Executive Nurse Leader  
Programs  
301 University Boulevard, Galveston, Texas 77555-1029

*{End of Consent Agenda}*

## **VI. Strategic Discussions**

### **A. DEFERRED**

**Harris Health System and M.D. Anderson Cancer Center Partnership Update**

### **B. DEFERRED**

**Centers for Medicare & Medicaid Services Survey Readiness Update**

### **C. DEFERRED**

**2019 Compliance Education – Why Compliance Programs Are Essential and the Seven Elements of an Effective Compliance Program – Part 1 of 3 [Board Education]**

### **D. DEFERRED**

**Harris Health System Ambulatory Care Services Access and Operations Report – Specialty Care Access Report**

### **E. DEFERRED**

**Harris Health System Legislative Initiatives**

1. Update, Discussion and Possible Action Regarding Activities in Austin Relating to Legislative/Regulatory Issues Impacting Harris Health System, the 86th Legislative Session, and the Harris Health System Legislative Platform.
2. Update, Discussion and Possible Action Regarding Pending Federal Legislative and Policy Issues Affecting Harris Health System.

## **VII. General Action Items**

### **A. Item(s) Related to Joint Conference Committee**

#### **1. DEFERRED**

Notice of Appointments and Selection of New Service Chiefs.

### **Motion 19.08-81**

Moved by Ms. Alicia Reyes, seconded by Dr. Ewan Johnson, and passed that the Board approve agenda items VII.A.2. and VII.A.3. Dr. Arthur Bracey and Dr. Kimberly Monday recused from agenda item VII.A.3.

2. Acceptance of the Medical Executive Board Report for July 2019.

Dr. Joseph Garcia-Prats, Chair, Medical Executive Board, presented the Medical Executive Board (MEB) Report for July 2019. A copy of the report is available in the permanent record.

3. Approval Regarding the Credentialing Changes for Members of the Harris Health System Medical Staff (July and August 2019) Subject to Review of Files for Discussion.

Dr. Garcia-Prats presented the July and August 2019 credentialing changes for the members of the Harris Health System medical staff. He reported that for the month of July 2019, there were forty-three (43) initial appointments, twenty-six (26) reappointments, twelve (12) resignations, and zero (0) change/add privileges. For the month of August 2019, there were sixty (60) initial appointments, seventy-seven (77) reappointments, thirty-eight (38) resignations, and four (4) change/add privileges. A copy of the report is available in the permanent record.

## **B. Item(s) Related to Budget & Finance Committee**

### **Motion 19.08-82**

Moved by Mr. Art Morales, seconded by Dr. Ewan Johnson, and passed that the Board approve agenda items VII.B.2. through VII.B.5. Mr. Lawrence Finder recused from agenda item VII.B.1.

#### **1. DEFERRED**

Consideration of Approval of an Exemption From the Competitive Bid Requirements for Avant Healthcare Professionals, LLC to Provide International Registered Nurses for Long-Term Temporary Employment in the Estimated Amount of \$11,810,729 for a One-Year Initial Term With Four (4) One-Year Renewal Options.

2. Approval of the Guaranteed Maximum Price For SpawGlass Construction Corporation to Provide Construction Manager at Risk Services for the Emergency Room Renovation at Ben Taub Hospital in the Amount of \$35,560,287 (\$33,234,567 Construction Price / \$2,325,720 Owner Contingency).

Mr. Dopslauf presented the consideration of approval of the guaranteed maximum price for SpawGlass Construction Corporation to provide Construction Manager at Risk services for the emergency room renovation at Ben Taub Hospital.

3. Approval to Ratify an Exemption From the Competitive Bid Requirements for Jackson Walker, L.L.P. to Provide Special Counsel To Represent Harris County Hospital District d/b/a Harris Health System Regarding 2019 Qui Tam Action Matters in the Amount of \$350,000 for the Term August 19, 2019 Through August 18, 2020 With One (1) One-Year Renewal Option.

Mr. Dopslauf presented the consideration of approval to ratify an exemption from the competitive bid requirements for Jackson Walker, L.L.P. to provide special counsel to represent Harris County Hospital District d/b/a Harris Health System regarding 2019 Qui Tam action matters.

4. Acceptance of the Harris Health System June 2019 Financial Report Subject to Audit.

Mr. Michael Norby, Executive Vice President and Chief Financial Officer, presented the Harris Health System June 2019 Financial Report Subject to Audit. A copy of the report is available in the permanent record.

5. Acceptance of the Harris Health System July 2019 Financial Report Subject to Audit.  
Mr. Norby presented the Harris Health System July 2019 Financial Report Subject to Audit. A copy of the report is available in the permanent record.

### **C. Item(s) Related to Quality Committee**

1. **DEFERRED**  
Review and Discussion Regarding Harris Health System Quality Executive Scorecard.

### **D. Item(s) Related to CEO Search Committee**

1. **DEFERRED**  
CEO Search Committee Update.

### **E. Miscellaneous Items**

#### **Motion 19.08-83**

Moved by Dr. Ewan Johnson, seconded by Dr. Arthur Bracey, and unanimously passed that the Board approve agenda items VII.E.1. through VII.E.7. and VII.E.9. through VII.E.15.

1. Approval of an Interlocal Memorandum of Understanding for Harris Health System d/b/a Harris County Hospital District to Participate in the Global Strategic Operatives for the Eradication of Human Trafficking Anti-Human Trafficking Initiative.
2. Approval to Ratify a Grant Agreement Between Harris County Hospital District d/b/a Harris Health System and the American Society of Health System Pharmacists Foundation for the Pharmacy Residency Training Expansion Grant in the Amount of \$25,000 for the Term July 1, 2019 Through June 30, 2020.
3. Approval to Renew an Agreement with Service Employment Redevelopment (SER) – Jobs for Progress.

Dr. Maureen Padilla presented the consideration of approval to renew the SER-Jobs for Progress Agreement. Ms. Linda Morales requested further information regarding the status of the SER program, the number of participants, and the departments where the participants are placed. A copy of the Agreement is available in the permanent record.

4. Approval of an Interlocal Agreement Between Harris County Hospital District d/b/a Harris Health System and Fort Bend County Commissioners Court for the Purpose of Providing Medical-Forensic Examinations for Children Who Are Believed To Be Victims of Sexual Assault.
5. Approval of a Grant Agreement in the Amount of \$230,748 Between Harris County Hospital District d/b/a Harris Health System and the Harris County Hospital District Foundation Benefitting the Harris Health System School-Based Mental Health Expanded Access and Health Promotion Project.

6. Approval of a Grant Agreement in the Amount of \$137,970 Between Harris County Hospital District d/b/a Harris Health System and the Harris County Hospital District Foundation Benefitting the LBJ Farm Project.
7. Approval of a Grant Agreement in the Amount of \$60,223.92 Between Harris County Hospital District d/b/a Harris Health System and the Harris County Hospital District Foundation Benefitting the Lyndon B. Johnson Hospital Neonatal Program.
8. Review and Discussion Regarding Grants Less Than \$50,000 From Harris County Hospital District Foundation to Harris County Hospital District d/b/a Harris Health System Executed By the Harris Health System President and CEO **[Quarterly Report]**.
9. Approval to Ratify an Amendment of an Interlocal Agreement to Increase Funding in the Amount of \$5,917,099.50 for a Total Award Amount of \$7,732,886 for the Term March 1, 2019 Through February 28, 2020 Between Harris County Hospital District d/b/a Harris Health System and Harris County Public Health, Funded By the Ryan White HIV/AIDS Treatment Extension Act of 2009 Part A to Provide Primary Medical Care, Psychiatric Services, Obstetric and Gynecological Care, and a Local Pharmacy Assistance Program to HIV-Positive Patients of Harris Health System.
10. Approval to Ratify an Amendment Between Harris County Hospital District d/b/a Harris Health System and the Health and Human Services Commission for Additional Grant Funding for the Family Planning Program in the Amount of \$609,141 for the Term September 1, 2018 Through August 31, 2019.
11. Approval of Two (2) Grant Agreements in the Amounts of \$1,746,205 for a Total Amount of \$3,492,410 Between Harris County Hospital District d/b/a Harris Health System and the Health and Human Services Commission for the Family Planning Program for Fiscal Year(s) 2020 and 2021.
12. Approval to Ratify an Amendment Between Harris County Hospital District d/b/a Harris Health System and the Health and Human Services Commission for Additional Grant Funding for Breast and Cervical Cancer Services in the Amount of \$227,148 for the Term September 1, 2018 Through August 31, 2019.
13. Approval of Two (2) Grant Agreements in the Amounts of \$1,095,634 for a Total Amount of \$2,191,268 Between Harris County Hospital District d/b/a Harris Health System and the Health and Human Services Commission for Breast and Cervical Cancer Services for Fiscal Year(s) 2020 and 2021.
14. Approval to Ratify an Amendment Between Harris County Hospital District d/b/a Harris Health System and the Health and Human Services Commission for the Healthy Texas Women Program for FY2019 in the Amount of \$103,862 for the Term September 1, 2018 Through August 31, 2019.
15. Approval of a Grant Agreement in the Amount of \$420,000 Between Harris County Hospital District d/b/a Harris Health System and the Health and Human Services Commission for a Title V Maternal and Child Health Program for FY2020.

## VIII. Item(s) Related to the Health Care For the Homeless Program

### **Motion 19.08-84**

Moved by Ms. Linda Morales, seconded by Dr. Ewan Johnson, and unanimously passed that the Board approve agenda item VIII.A.

A. Approval of the Following Reports for the Health Care for the Homeless Program as Required by the United States Department of Health and Human Services, Which Provides Funding to the Harris County Hospital District d/b/a Harris Health System to Provide Health Services to Persons Experiencing Homelessness Under Section 330(h) of the Public Health Service Act Health Care for the Homeless Program

1. Operational Update
2. 2nd Quarter Budget
3. Monthly Calendar Review
4. HRSA Corrective Action Plan

Dr. Jennifer Small, Vice President and Associate Administrator, Ambulatory Care Services, presented the Health Care for the Homeless Program (HCHP) Operational Update, 2nd Quarter Budget, Monthly Calendar Review, and Health Resources and Services Administration (HRSA) Corrective Action Plan. She reported that HCHP had 1,398 patients who completed 2,228 visits during June 2019. Dr. Small stated that HCHP expensed \$1.7M through June 30, 2019, which was 40% of its annual budget. She also reported that HCHP will present Board education regarding sliding fee discounts in September 2019. Dr. Small estimated that by September 30, 2019, HCHP will complete eight (8) of the eleven (11) corrective action plan items that HRSA noted during its operational site visit. She explained that the remaining three (3) items pertain to the Board and will require further discussion. Copies of the reports are available in the permanent record.

### **Motion 19.08-85**

Moved by Dr. Ewan Johnson, seconded by Ms. Elena Marks, and passed that the Board defer action regarding agenda item VIII.B., subject to a determination of whether Harris Health partners with Healthcare for the Homeless – Houston. Ms. Linda Morales recused from this item.

B. Discussion and Possible Action Regarding the Health Resources and Services Administration (HRSA) Options for Board Authority and Board Composition Compliance.

Ms. Nicole Streeter, Vice President, Chief Governance Officer, led the discussion regarding the Health Resources and Services Administration (HRSA) Corrective Action Plan. She reported that according to the HRSA corrective action plan, the Board Bylaws must be revised to include the following provisions: 1) the Board is required to hold monthly meetings, and 2) health center employees and immediate family members of employees are prohibited from being Board members. Ms. Streeter stated that because the Board does not possess ultimate authority regarding Board composition and the Board does not currently hold monthly meetings, Harris Health requested waivers for both requirements; however, HRSA denied the waiver request. She presented the following two (2) options that the Board was required to consider to ensure that Harris Health becomes compliant with the HRSA regulatory provisions: 1) Beginning January 2020, Harris Health may assume full responsibility for the \$4.1M funding and direction of HCHP; or 2) the Board may authorize the creation of an

independent co-applicant board by December 10, 2019, the creation of a 501(c)(3) nonprofit charitable organization, and the creation of a co-applicant agreement between the co-applicant board and Harris Health. Ms. Streeter explained that according to the co-applicant agreement, Harris Health would continue to receive HRSA grant funds and would remain the legal entity accountable to HRSA for administering the HCHP. The co-applicant board would retain the ultimate decision-making authority, and Harris Health would retain responsibility for any fiscal and personnel responsibilities. Ms. Elena Marks recommended that Harris Health investigate whether it can serve its homeless patients by partnering with another community organization such as Healthcare for the Homeless – Houston. Discussion ensued.

**Motion 19.08-86**

Moved by Dr. Arthur Bracey, seconded by Dr. Ewan Johnson, and unanimously passed that the Board defer action regarding all remaining agenda items until the September 26, 2019 Board meeting.

**C. DEFERRED**

Discussion and Possible Action Regarding the Immediate Engagement of a Patient-Centered Integrated Care Program for Homeless Patients in the Emergency Center at Ben Taub Hospital and Lyndon B Johnson Hospital.

**IX. Executive Session (This item was taken out of order.)**

At 9:50 a.m., Ms. Clutterbuck stated that the Board would enter into Executive Session under Texas Health & Safety Code §161.032, Texas Occupations Code Ann. §160.007, Texas Gov't Code Ann. §551.071, Texas Gov't Code Ann. §551.085, Texas Occupations Code Ann. §151.002, and Texas Gov't Code Ann. §551.074.

**X. Reconvene**

At 1:20 p.m., Ms. Clutterbuck reconvened the meeting and stated that no action was taken in Executive Session.

- A. Discussion Regarding Financial Planning Information Related to the Negotiation Between Harris County Hospital District d/b/a Harris Health System and Baylor College of Medicine and The University of Texas Health Science Center at Houston for the Arrangement or Provision of Medical Services, Pursuant to Texas Gov't Code Ann. §551.085, and Possible Action Regarding This Matter Upon Return to Open Session.

No action was taken.

- B. Report by the Interim Chief Medical Officer Regarding Quality of Medical and Health Care, Pursuant to Texas Health & Safety Code Ann. §161.032, Texas Occupations Code Ann. §160.007, and Texas Occupations Code Ann. §151.002 to Receive Peer Review and/or Medical Committee Report in Connection with the Evaluation of the Quality of Medical and Health Care Services, and Possible Action Regarding This Matter Upon Return to Open Session.

No action was taken.

- C. Consultation with the County Attorney Regarding Engaging Outside Legal Counsel To Represent Harris Health System in Potential Opioid-Related Litigation Pursuant to Tex. Gov't Code Ann. §551.071, and Possible Action Regarding This Matter Upon Return to Open Session.

**Motion 19.08-77**

Moved by Ms. Linda Morales, seconded by Dr. Ewan Johnson, and passed that the Board approve agenda item IX.C. Mr. Lawrence Finder recused from agenda item IX.C.

Harris Health, by and through its Board of Trustees, approves a contingency fee agreement between Harris Health and Fibich Leebron Copeland Briggs; The Gallagher Law Firm; and Dan Downey, P.C. (Collectively Special Counsel) for legal representation in possible opioid-related litigation in an amount not to exceed contingent legal fees of 35% of the portion of any future award plus expenses from any judgment, and/or settlement paid to Harris Health System.

- D. Consultation with the County Attorney Regarding a Qui Tam Lawsuit Pursuant to Tex. Gov't Code Ann. §551.071, and Possible Action Regarding This Matter Upon Return to Open Session.

No action was taken.

- E. Consultation with the County Attorney Regarding "Inadmissibility on Public Charge Grounds" 84 Fed. Reg. 41,292 To Be Codified at 8.C.F.R. Section 212.20-212.23, Its Potential Impact on Harris Health System, and Updates on Litigation Filed by Other Jurisdictions Pursuant to Tex. Gov't Code Ann. §551.071, and Possible Action Regarding This Matter Upon Return to Open Session.

**Motion 19.08-78**

Moved by Ms. Linda Morales, seconded by Mr. Art Morales, and unanimously passed that the Board approve agenda item IX.E.

Harris Health, by and through its Board of Trustees, approves authorization for Harris County Attorney's Office to file amicus brief(s) on behalf of Harris Health System in litigation opposing the adoption of inadmissibility on public charge grounds. 84 Fed. Reg. 41,292 to be codified at 8.C.F.R. Section 212.20-212.23.

- F. Report Consultation with the County Attorney Regarding Civil Action No. 4:18-cv-03231; *Toye Elkins v. Harris Health System*; in the U.S. District Court for the Southern District of Texas, Houston Division Pursuant to Tex. Gov't Code Ann. §551.071, and Possible Action Regarding This Matter Upon Return to Open Session.

**Motion 19.08-79**

Moved by Ms. Linda Morales, seconded by Dr. Ewan Johnson, and unanimously passed that the Board approve agenda item IX.F.

Harris Health, by and through its Board of Trustees, approves and hereby authorizes settlement related to Civil Action No. 4:18-cv-03231; *Toye Elkins v. Harris Health System* in an amount not to exceed \$68,000.00, payable to Toye Elkins and Rosenberg Sprobach. George



Masi, President / CEO of Harris Health, is authorized to execute any agreement, release, or any other necessary documents to effect this settlement.

- G. Report by the Senior Vice President of Corporate Compliance Regarding Compliance with Medicare, Medicaid, HIPAA and Other Federal and State Health Care Program Requirements and a Status of Fraud and Abuse Investigations, Pursuant to Texas Health & Safety Code §161.032, and Possible Action Regarding This Matter Upon Return to Open Session.

No action was taken.

- H. Discussion with Alvarez & Marsal Healthcare Industry Group LLC Regarding Compliance with Medicare, Medicaid, HIPAA, and Other Federal and State Health Care Program Requirements and a Status of Fraud and Abuse Investigations, Pursuant to Texas Health & Safety Code §161.032, and Possible Action Regarding This Matter Upon Return to Open Session.

No action was taken.

- I. Consultation with the County Attorney and Discussion with the Senior Vice President of Corporate Compliance Regarding the First Amendment to the Agreement Between Harris Health System and Alvarez & Marsal Healthcare Industry Group LLC, Pursuant to Texas Health & Safety Code §161.032 and Tex. Gov't Code Ann. §551.071, and Possible Action Regarding This Matter Upon Return to Open Session.

#### **Motion 19.08-80**

Moved by Ms. Linda Morales, seconded by Dr. Ewan Johnson, and unanimously passed that the Board approve agenda item IX.I.

Harris Health, by and through its Board of Trustees, ratifies the First Amendment of the Agreement between Harris Health and Alvarez & Marsal Healthcare Industry Group LLC to continue the comprehensive gap assessment and add survey readiness services in an amount not to exceed \$1,640,000.00.

- J. Discussion Regarding the Performance Evaluation of George V. Masi, President and Chief Executive Officer, Pursuant to Texas Gov't Code Ann. §551.074, and Possible Action Regarding this Matter Upon Return to Open Session.

No action was taken.

#### **XI. Adjournment**

Moved by Dr. Ewan Johnson, seconded by Ms. Elena Marks, and unanimously accepted to adjourn the meeting.

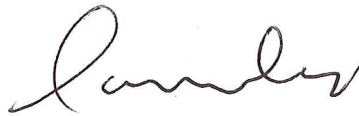
There being no further business, the meeting adjourned at 1:47 p.m.

I certify that the foregoing are the Minutes of the meeting of the Board of Trustees of the Harris County Hospital District d/b/a Harris Health System held at the Administration Building in Houston, Texas on August 29, 2019.

Respectfully submitted,



Anne Clutterbuck, Chair  
Board of Trustees



Linda Morales, Secretary  
Board of Trustees

Recorded by Ashley Francis