



**HARRIS COUNTY HOSPITAL DISTRICT  
MINUTES OF THE BOARD OF MANAGERS MEETING**

**Thursday, October 16, 2008**

**Board Room – Administration Building**

**BOARD MEMBERS PRESENT**

Mr. Stephen DonCarlos, Chair  
Ms. Carolyn Truesdell, Vice Chair  
Mr. E. Dale Wortham, Secretary  
Mr. Danny Jackson, Asst. Secretary  
Mr. Michael Jhin  
Ms. Mary Spinks  
Ms. Daisy Stiner  
Mr. Elvin Franklin, Jr.  
Dr. George Santos

**BOARD MEMBERS ABSENT**

**OTHERS PRESENT**

Mr. David Lopez, President & Chief Executive Officer  
Mr. Jack McCown, Harris County Purchasing  
Mr. Kelly Johnson, Harris County Purchasing  
Attorney Mercedes Leal, County Attorney's Office  
Ms. Peggy Boice, Judge Ed Emmett's Office  
Ms. Gloria Moreno, Commissioner Sylvia Garcia's Office  
Mr. Mark Fury, Commissioner Steve Radack's Office  
Administrative Staff  
Guests

(Sign-in Sheets attached to permanent record)

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

Mr. Stephen DonCarlos, Chair, called the meeting to order at 9:15 A.M. and noted that a quorum was present. The attendance was recorded.

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

**Motion 08.10-509**

Moved by Ms. Stiner, seconded by Ms. Truesdell, and unanimously passed, that the Board approve the minutes of the July 2, 2008 and August 19, 2008 special called meetings of the Board of Managers.

### **III. Special Recognition**

Mr. DonCarlos read into the record a Resolution honoring Jack R. McCown, County Purchasing Agent on his upcoming retirement. Mr. Tim Tindle, CIO, recognized Mr. Jack McCown for his many accomplishments and presented him with the Most Wired Innovation Award of 2008.

### **IV. Hear from Citizens**

There were no citizens to address the Board.

### **V. President/Chief Executive Officer's Report to Include: 1) Hurricane Ike Status Report; 2) Mid-Year Review; and 3) Senate Bill 10 Status Report**

Mr. David Lopez gave the Board an update on the above referenced topics. Highlights include:

#### **1) Hurricane Ike Status Report**

- During the storm, the water pressure dropped at both LBJ and Ben Taub, however was able to get pressure back up at both hospitals before having to evacuate.
- Damage – Overall, did very well. Total losses were about \$637,000.
- HCHD provided eight gallons of gasoline to staff members and medical staff on duty
- Preventative measures – The Data Center here at Holly Hall now has two back-up generators
- UTMB had water in 49 out of 51 buildings totaling over \$710,000,000 in damages. They now have a maximum capacity of 200 patients. The patients without insurance will be what will impact the Hospital District.

#### **2) Mid-Year Review**

Two area's of concern:

- UTMB volume
- 7 billion dollar bail-out and it's effect on the Hospital District

#### **3) Senate Bill 10 Status Report – This bill will not, in its present form, be approved by the current administration.**

### **VI. Consideration of Approval of Recommendations and Acceptance of Agenda Items Identified as Consent Agenda Items**

#### **A. Items related to Purchasing**

The following agenda items were pulled for questions and/or discussions as listed: Mr. Jhin: purchasing agenda items A(1) d, g, j, x, cc, gg, pp, uu and A(2)l; Mr. Wortham: purchasing agenda item A(1)n; Ms. Stiner: agenda items EE and FF; and Ms. Truesdell: J, K and L. Following questions and/or discussions all agenda items were approved.

A(1). Consideration of Purchasing Recommendations Requiring Board Approval:

a. **Motion 08.10-510**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve utilization of an award for Waste Management of Texas, Inc. for refuse removal services in the estimated amount of \$284,000 for the term October 1, 2008 through September 30, 2009.

b. **Motion 08.10-511**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of best priced contract to Midwest Medical Supply Company (Distributor) for patient monitors (21 ea.) in the amount of \$45,286.00.

c. **Motion 08.10-512**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of best bid to Leica Microsystems, Inc. for surgical operating room microscopes (2 ea.) in the amount of \$190,020.00.

d. **Motion 08.10-513**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of lowest most complete bid to Harger Howe & Associates for employee recruitment advertising and miscellaneous creative services in the estimated amount of \$930,000.00

e. **Motion 08.10-514**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of sole source to Perimed, Inc. for laser blood flowmeter in the amount of \$104,604.00.

f. **Motion 08.10-515**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of sole source to Sunquest Information Systems, Inc. (f/k/a Misys Hospital Systems, Inc.) for maintenance for the Sunquest Laboratory and CoPathPlus software in the amount of \$284,790 for the term October 1, 2008 through September 30, 2009.

g. **Motion 08.10-516**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve a renewal of an award on the basis of sole source to Thomson Healthcare for MicroMedex database subscription in the amount of \$133,286 for the term December 31, 2008 through December 30, 2009.

h. **Motion 08.10-517**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve a renewal of an award on the basis of sole source to Ingenix Provider Solutions Group (f/k/a HSS, Inc.) for hardware and software maintenance in the amount of \$123,870 for the term November 20, 2008 through November 19, 2009.

i. **Motion 08.10-518**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve the first of three renewal options to Stericycle, Inc. for medical waste disposal in the estimated amount of \$503,646 (Hospital District portion only) for the term October 1, 2008 through September 30, 2009.

j. **Motion 08.10-519**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve the first of two renewal options to various vendors (see attached) for travel nursing services for the Hospital District during critical staffing shortages in the estimated amount of \$2,250,000 for the term November 1, 2008 through October 31, 2009.

k. **Motion 08.10-520**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve the second and final renewal option for Texas Kidney, Inc. dba Southeast Houston Dialysis Center for Outpatient End Stage Renal Disease (ESRD) care for patients of the Hospital District in the amount not to exceed \$1,965,600 for the term December 5, 2008 through December 4, 2009.

l. **Motion 08.10-521**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve a renewal of an award for AAF International for air filtration products in the estimated amount of \$186,657 for the term October 1, 2008 through September 30, 2009.

m. Item withdrawn

n. **Motion 08.10-522**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of best proposal for Wachovia Insurance Services for human resources consulting services to provide benefit and communications support services for people and organizational development in the amount of \$170,000 for the term October 1, 2008 through September 30, 2009 with four one-year renewal options.

o. **Motion 08.10-523**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of lowest priced contract for GE Medical Systems Ultrasound and Primary Care Diag. for ultrasonic scanning system (Obestetrics/Gynecologic – OB/GYN) (2 ea.) in the amount of \$235,942.

p. **Motion 08.10-524**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of best proposal meeting specification for Diagnostica Stago, Inc. for hemostasis analyzers, reagents, consumables and service in the estimated first year amount of \$195,239 (\$976,194 for five years, estimated) for the term November 1, 2008 through October 31, 2009 (five year term with annual funding).

q. **Motion 08.10-525**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of low bid for LK Jordan and Associates, PeopleCorp and Resource Staffing for temporary clerical personnel in the estimated amount of \$150,000 for the term October 1, 2008 through September 30, 2009 with two one-year renewal options.

r. **Motion 08.10-526**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award for SimplexGrinnell for upgrade to the existing fire alarm system for Ben Taub General Hospital in the amount of \$793,142.00.

s. **Motion 08.10-527**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award for furniture on the basis of lowest priced contract to the following vendors: 1) Kruger International – Group 3 breakroom tables and chairs - \$8,818; 2) Rockford Business Interiors – Group 4 workstations/files & Group 5 lounge - \$14,764; 3) Corporate Express – Group 2 chairs and Group 6 office chairs - \$23,367; 4) Vanguard Environments – Group 7 waiting room - \$27,518; and 5) Office Furniture Innovations – Group 1 casegoods and keyboard trays - \$40,815 in the total amount of \$115,282 for furniture for Baytown Community Health Center Expansion Project.

t. **Motion 08.10-528**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve additional funds and an extension for Beckman Coulter, Inc. for integrated platform (chemistry and immunochemistry analyzers,

automation, reagents, consumables and service) in the estimated amount of \$53,175 for the term August 1, 2008 through October 31, 2008.

u. **Motion 08.10-529**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve additional funds for Shared Technologies, Inc. for maintenance of telephone and voice communication systems in the additional amount of \$164,573 for the term March 1, 2007 through February 28, 2009.

v. **Motion 08.10-530**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve additional funds for LabCorp for reference laboratory testing services in the additional amount of \$223,000 for the term December 11, 2006 through September 30, 2008.

w. **Motion 08.10-531**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve additional funding for Siemens Healthcare Diagnostics, Inc. fka Siemens Medical Solutions Diagnostics for integrated platform (chemistry and immunochemistry analyzers, lab automation, reagents, consumables and service) in the estimated amount of \$133,656 for the term July 1, 2007 through June 30, 2008.

x. **Motion 08.10-532**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve additional funding for Patient Care Systems for rental of special care beds and surfaces in the estimated additional amount of \$126,000 for the term June 1, 2008 through May 31, 2009.

y. **Motion 08.10-533**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an extension of an award for Nova Biomedical for two whole blood analyzers including testing reagents for the extended term May 1, 2008 through October 31, 2008 (no additional funds required.)

z. **Motion 08.10-534**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of only bid received for DMS Imaging, Inc. for mobile medical imaging systems contingency support in the estimated amount of \$300,000 for the term October 1, 2008 through September 30, 2009 with four one-year renewal options.

aa. **Motion 08.10-535**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award for Microgenics Corp. through Fisher

Healthcare and Bio-Rad Laboratories for quality control materials in the estimated amount of \$129,700 (Microgenics Corp. - \$128,215 and Bio-Rad Laboratories - \$1,485) for the term September 1, 2008 through August 31, 2009.

bb. **Motion 08.10-536**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award for GSA IT Schedule 70 through Shared Technologies for installation of Nortel telephone switch, callpilot and accessories for the Kirby facilities in the amount of \$1,104,386.

cc. **Motion 08.10-537**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an exemption from the competitive bid requirements for Bich Dang, M.D. through Baylor College of Medicine for senior researcher for population-based medicine in the amount of \$109,900 for the term October 1, 2008 through September 30, 2009.

dd. **Motion 08.10-538**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of best bid for Elekta Inc. for stereotactic system and accessories in the amount of \$94,900.

ee. **Motion 08.10-539**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of lowest priced contract for GE Medical Systems for proteus radiographic system (3 ea.) in the amount of \$255,010.

ff. **Motion 08.10-540**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve funding for year three of a five year agreement for 3M Health Information Systems, Inc. for 3M software license and maintenance in the estimated amount of \$201,956 for the term October 28, 2008 through October 27, 2009.

gg. **Motion 08.10-541**

Moved by Ms. Spinks, seconded by Ms. Stiner, and passed, that the Board approve an exemption from the competitive bid requirements for Methodist Hospital for on call healthcare services for patients in the estimated amount of \$75,000 for the term upon execution and continuing for twelve months, with one year renewal options.

The motion passed eight to one with Ms. Truesdell abstaining due to the employment of her husband at Methodist Hospital.

hh. **Motion 08.10-542**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of best bid for Micrus Endovascular Corporation for embolization coils in the estimated amount of \$150,000 for the term October 1, 2008 through September 30, 2009 with two one-year renewal options.

ii. **Motion 08.10-543**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve an award on the basis of best bid for Alcon Laboratories, Inc. for Intraocular Lens (IOL) in the amount of \$224,896.00.

jj. **Motion 08.10-544**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify a renewal of an award on the basis of sole source for GE Healthcare for remote service and diagnostics of radiology equipment in the estimated amount of \$468,040 for the term July 1, 2008 through June 30, 2009.

kk. **Motion 08.10-545**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify an award for Texas Health and Human Services Commission for outstationed eligibility advisors in health care facilities in the estimated amount of \$1,029,600 for the term September 1, 2008 through August 31, 2009 with one-year renewal options.

ll. **Motion 08.10-546**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify additional funds and an extension for DMS Health Group for rental of mobile computed tomography (CT) unit in the additional funded amount of \$79,800 for the extended term July 15, 2008 through September 14, 2008.

mm. Item withdrawn.

nn. **Motion 08.10-547**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify an award for Sage Products Inc. through Cardinal Health for patient cleansing & skin care/bag based in the estimated amount of \$244,326 for the term September 1, 2008 through August 1, 2009.

oo. **Motion 08.10-548**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify the second of four renewal options for FMA Alliance, Ltd (FMA), NCO Financial Systems, Inc. (NCO) and Linebarger Goggan Blair &



Simpson, LLP (LGBS) for collection services for overdue patient accounts in the estimated amount of \$2,500,000 for the term September 1, 2008 through August 31, 2009 (FMA and NCO) and October 1, 2008 through September 30, 2009 (LGBS).

pp. **Motion 08.10-549**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify an award made on an emergency basis for LifeLock® for privacy protection services for patients in the amount of \$29,064 for the term August 1, 2008 through July 31, 2009.

qq. **Motion 08.10-550**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify an exemption from the competitive bid requirements and the first of three renewal options for Pinnacle Health Facilities XV, L.P. dba Briarwood Nursing and Rehabilitation for nursing home care for patients in the estimated amount of \$120,000 for the term September 1, 2008 through August 31, 2009.

rr. **Motion 08.10-551**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify additional funds and an extension for PreCheck, Inc. for pre-employment background screening in the additional funded amount of \$45,000 for the extended term September 1, 2008 through October 31, 2008.

ss. **Motion 08.10-552**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify additional funds and an extension for 1) DePuy Orthopaedics, Inc.; 2) Smith & Nephew, Inc., Orthopaedic Division; 3) Stryker Orthopaedics; and 4) Synthes (USA) for orthopaedic implants in the additional funded amount of \$950,000 for the extended term August 1, 2008 through September 30, 2008.

tt. **Motion 08.10-553**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify an award as an exception to the Harris County Hospital District Purchasing Manual bid requirements for Harger Howe & Associates, Ltd. for custom wall graphics in the amount of \$70,250.

uu. **Motion 08.10-554**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify additional funds and approve a settlement agreement for The University of Texas Health Science Center at Houston for expanded operating room services for elective general and orthopedic surgery at LBJ

General Hospital in the additional funded amount of \$20,876 for the term April 9, 2008 through June 3, 2008.

A(2). Transmittal of Completed Purchases under \$100,000

**(For Informational Purposes Only)**

- a. Transmittal of an award on the basis of low bid to Life Time Fitness for employee health screenings in the estimated amount of \$71,000.
- b. Transmittal of an award on the basis of low bid to HBP of San Diego (d.b.a. Hershey Technologies) for document imaging scanners in the amount of \$41,496.
- c. Transmittal of an award on the basis of low bid to IdentiSys, Inc. for patient identification card maker systems in the amount of \$55,925..
- d. Transmittal of the fourth of four renewal options to GE Betz for water treatment chemicals and services in the amount of \$66,037 for the term October 1, 2008 through September 30, 2009.
- e. Transmittal of an award on the basis of best proposal meeting requirements to AutoMed Technologies, Inc. for 340B split billing pharmacy software system for the term August 8, 2008 through August 7, 2009 with two one-year renewal options.
- f. Transmittal of an award on the basis of best contract meeting specifications to GE Medical Systems Ultrasound for ultrasound radiology and cardiology (cardiac) in the amount of \$38,399.
- g. Transmittal of an award on the basis of best contract meeting specifications to SonoSite, Inc. for hand carried ultrasound in the amount of \$32,816.
- h. Transmittal of a purchase on the basis of best contract meeting specifications to GE Medical Systems Information Technologies, Inc. for cardiac stress testing (2 ea.) in the amount of \$56,018.
- i. Transmittal of a purchase on the basis of only contract meeting specifications to Aesculap, Inc. for battery powered dermatome/mesher in the amount of \$40,539.
- j. Transmittal of a purchase on the basis of only contract meeting specifications to Stryker Medical for stretchers (13 ea.) in the amount of \$60,089.
- k. Transmittal of a purchase on the basis of best contract meeting specifications to Getinge USA Inc. for steam autoclave in the amount of \$71,323.
- l. Transmittal of termination of an agreement effective September 27, 2008 for Christian D. Eckman, M.D. (Physician Advisor) through Baylor College of Medicine for clinical case management services for the term July 1, 2008 through June 30, 2009.

- m. Transmittal of a purchase on the basis of lowest priced contract to Smiths Medical ASD for temperature monitoring products in the estimated amount of \$62,582 for the term September 1, 2008 through August 31, 2009.

**B. Motion 08.10-555**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board accept the July 31, 2008 Financial Report subject to final audit.

**C. Motion 08.10-556**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board accept the July 31, 2008 Pension Plan Report subject to final audit

**D. Motion 08.10-557**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve payment to the Texas Hospital Association for 2008-2009 membership dues in the amount of \$118,631.00.

**E. Motion 08.10-558**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve payment of Bill# 907 from Spivey/Harris law firm in the amount of \$216,908 for the work contracted with Gjerset & Lorenz to recalculate the state fiscal year 2007 aggregate upper payment limit (UPL) cap.

**F. Motion 08.10-559**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify a contract between the Harris County Hospital District and the Department of State Health Services for MCH Prenatal Services for FY2008 in the amount of \$190,000 for the term September 1, 2007 through August 31, 2008.

**G. Motion 08.10-560**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify a contract between the Harris County Hospital District and the Department of State Health Services for MCH Prenatal Services for FY2009 in the amount of \$190,000 for the term September 1, 2008 through August 31, 2009.

**H. Motion 08.10-561**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify funding for a contract between the Harris County Hospital District and the Department of State Health Services for Breast and Cervical Cancer Control Services in the amount of \$8,269 for the term July 1, 2008 through June 31, 2009. (Previous amount received \$88,150; this brings the total received to \$96,419.)

**I. Motion 08.10-562**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board accept an award in the amount of \$189,677 from the Department of Health and

Human Services Health Resources and Services Administration Notice of Grant Award authorization for reimbursement for capital equipment and architectural and engineering assessment services for the renovation of the Ambulatory Rehabilitation Unit located at Quentin R. Mease Community Hospital.

J. **Motion 08.10-563**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve the amended Audit Committee Charter which outlines the oversight responsibilities of the Board of Managers Audit Committee.

K. **Motion 08.10-564**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board accept the actuarial audit report for the Pension Plan.

L. **Motion 08.10-565**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board accept the Fiscal 2008 Management Letter from Deloitte & Touche.

M. **Motion 08.10-566**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve revision of an agreement funded by Ryan White CARE Act between the Harris County Hospital District and Dallas County Hospital District, The Parkland Foundation for Texas/Oklahoma AIDS Education and Training Center in the amount of \$73,800 to provide state-of-the-art education on treatment, training and consultation and support to healthcare professionals treating HIV+ patients for the term July 1, 2008 through June 30, 2009.

N. **Motion 08.10-567**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve a Point of Entry agreement between the Harris County Hospital District and St. Hope Foundation to facilitate access to treatment services for HIV+ individuals for the term January 1, 2008 through December 31, 2009. Neither party will pay or receive compensation under this agreement.

O. **Motion 08.10-568**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve a Point of Entry agreement between the Harris County Hospital District and Montrose Counseling Center to facilitate access to treatment services for HIV+ individuals for the term January 1, 2008 through December 31, 2009. Neither party will pay or receive compensation under this agreement.

P. **Motion 08.10-569**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve a Point of Entry agreement between the Harris County Hospital District and Houston Area Community Services to facilitate access to treatment services for HIV+

individuals for the term January 1, 2008 through December 31, 2009. Neither party will pay or receive compensation under this agreement.

**Q. Motion 08.10-570**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve a Point of Entry agreement between the Harris County Hospital District and Houston Department of Health and Human Services to facilitate access to treatment services for HIV+ individuals for the term January 1, 2008 through December 31, 2009. Neither party will pay or receive compensation under this agreement.

**R. Motion 08.10-571**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve a Point of Entry agreement between the Harris County Hospital District and Legacy Community Health Services to facilitate access to treatment services for HIV+ individuals for the term January 1, 2008 through December 31, 2009. Neither party will pay or receive compensation under this agreement.

**S. Motion 08.10-572**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify an agreement between the Harris County Hospital District and Baylor College of Medicine to provide medical education director services to the AIDS education and training program conducted by the Harris County Hospital District in the amount of \$10,000 for the term July 1, 2008 through June 30, 2009.

**T. Motion 08.10-573**

Moved by Ms. Spinks, seconded by Stiner, and unanimously passed, that the Board ratify an agreement funded by unrestricted grant funds between the Harris County Hospital District and University of Texas Health Science Center of Houston to provide obstetric and pediatric services to eligible HIV-infected individuals who are patients of the Hospital District in the amount of \$30,000 for the term September 1, 2008 through August 31, 2009.

**U. Motion 08.10-574**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify an agreement under Ryan White Part D between the Harris County Hospital District and The Resource Group, Inc. in the amount of \$150,802 to provide primary medical care services to eligible HIV-infected adolescents at District facilities for the term September 1, 2008 through August 31, 2009.

**V. Motion 08.10-575**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify an agreement between funded by Ryan White Modernization Act Part D between the Harris County Hospital District and Houston Regional HIV/AIDS Resource Group, in the amount of \$268,985 to provide case management services to eligible

HIV-infected women, families and children who are patients of the Harris County Hospital District for the term August 1, 2008 through July 31, 2009.

W. **Motion 08.10-576**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify an agreement between Baylor College of Medicine, Harris County and the Harris County Hospital District to maintain the Teen Clinic Program in Harris County Precinct One in the amount of \$150,000 to provide primary care services to children within the geographical boundaries of Harris County, Precinct One for the term April 3, 2008 through April 4, 2009 and may be renewed for another two terms of one year each.

X. **Motion 08.10-577**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify an agreement between Baylor College of Medicine, Houston Independent School District and the Harris County Hospital District in the amount of \$150,000 to provide primary care services to children within the geographical boundaries of Harris County, Precinct Two for the term April 14, 2008 through April 13, 2009 and may be renewed for another two terms of one year each.

Y. **Motion 08.10-578**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board authorize the Hospital District to enter into the Lease Option 1 of the lease agreement with Hull & Hull, Inc. for the leasing of a 2,400 sq. ft. temporary building located on the Hospital District's Holly Hall property for the period November 1, 2008 to October 31, 2009 at the same rate of \$2,526.73 per month.

Z. **Motion 08.10-579**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board authorize the Hospital District to enter into Lease Option 4 with the Bhandara Family Living Trust for the leasing of approximately 6,480 square feet of space for the Southwest Eligibility Center (6654 Hornwood, Houston, TX 77074) for the period December 1, 2008 through November 30, 2009 at the rate of \$1.10 per square foot totaling \$7,128/month.

AA. **Motion 08.10-580**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve a Confidential Disclosure agreement between the Harris County Hospital District and Apple Inc. for the term October 1, 2008 through September 30, 2009 at no cost to the District.

BB. **Motion 08.10-581**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve a Confidential Disclosure agreement between the Harris County Hospital

District and Hewlett-Packard Company for the term October 9, 2008 through October 8, 2009 at no cost to the District.

**CC. Motion 08.10-582**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board authorize the Harris County Hospital District to enter in an agreement with JanCare Hospital Access Patient Assistance Program (Johnson & Johnson Health Care Systems) for the term one year from the date of execution.

**DD. Motion 08.10-583**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify the participating Hospital Agreement for Office of Assistant Secretary for Preparedness Program – Year 7 for Ben Taub, Quentin Mease and Lyndon B. Johnson for the term August 1, 2008 through July 31, 2009.

**EE. Motion 08.10-584**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board ratify extension of an agreement between the Harris County Hospital District and the Harris County Area Agency on Aging to December 31, 2008.

**FF. Motion 08.10-585**

Moved by Ms. Spinks, seconded by Ms. Stiner, and unanimously passed, that the Board approve renewal of Harris County Hospital District Policy# 4310 “Ethics Advisory Committee” which promotes ethical care that is in the best interest of the patients in the Hospital District effect October 16, 2008.

**VII. Reports of the Committees**

Mr. DonCarlos called on Ms. Spinks to present agenda items relative to Joint Conference Committee

**A. Joint Conference Committee**

**1. Motion 08.10-586**

Moved by Ms. Spinks, seconded by Mr. Wortham, and unanimously passed, that the Board approve the Shared and Unique Responsibilities of the Three Leadership Group document.

Dr. Santos was not present when this vote was taken.

**2. Motion 08.10-587**

Moved by Mr. Wortham, seconded by Ms. Spinks, and unanimously passed, that the Board approve the August and September 2008 credentialing changes for members of the HCHD Medical Staff.

Dr. Santos was not present when this vote was taken.

3. **Motion 08.10-588**

Moved by Ms. Truesdell, seconded by Ms. Spinks, and unanimously passed, that the Board accept the Medical Board Report as included in the packet.

**B. Budget and Finance Committee**

Mr. DonCarlos called on Mr. Jackson to present agenda items relative to Budget and Finance Committee.

1. **Motion 08.10-589**

Moved by Mr. Franklin, seconded by Ms. Truesdell, and unanimously passed, that the Board accept the August 31, 2008 Financial Report subject to final audit.

2. **Motion 08.10-590**

Moved by Mr. Franklin, seconded by Ms. Truesdell, and unanimously passed, that the Board accept the Pension Plan Report for the period ended August 31, 2008 subject to final audit.

3. **Motion 08.10-591**

Moved by Ms. Truesdell, seconded by Ms. Spinks, and unanimously passed, that the Board accept the Second Quarter Investment Report for the period ended August 31, 2008.

Dr. Santos departed the meeting at this time (10:55 a.m.).

4. Presentation of August 2008 Financial Statements of Community Health Choice, Inc.

Mr. Kenneth Janda presented the August 2008 Financial Statement of Community Health Choice, Inc. Highlights for the month of August include:

- Net Income – \$1,439,814
- STAR Member Months – 5% below budget for the month
- CHIP Member Months – 28% above budget for the month
- CHIP Perinate Member Months – 14% above budget for the month

Mr. DonCarlos called on Ms. Spinks to present agenda items relative to Legislative Committee.

**C. Legislative Committee**

Mr. Hillier reported on the fiscal condition of the state budget and the impact the economy and Hurricane Ike has had. He talked of state initiatives of the Speaker of the House and Governor Perry regarding Hurricane Ike.

1. Update, discussion and possible action regarding activities in Austin relating to regulatory issues impacting HCHD, the 81<sup>st</sup> Legislative Session and the HCHD legislative platform. Mr. Hillier then laid out a proposed legislative platform for the 81<sup>st</sup> legislative session.



### **Motion 08.10-592**

Moved by Ms. Spinks, seconded by Mr. Jackson, and unanimously passed, that the Board approve the Harris County Hospital District Public Policy Platform – 81<sup>st</sup> Legislative Session as presented. (Copy in permanent file.)

2. Update, discussion and possible action regarding pending federal legislative, line items and policy issues affecting HCHD.

Mr. DonCarlos called on Ms. Truesdell to present agenda items relative to Performance Improvement and Patient Safety Committee.

#### **D. Performance Improvement and Patient Safety Committee**

Ms. Truesdell reported to the Board that the Performance Improvement and Patient Safety Committee met September 11, 2008 and engaged in discussions of the below listed agenda items, resulting in no recommendations being brought forth.

1. Review and Discussion of the Harris County Hospital District's Performance Improvement and Patient Safety Dashboard
2. Update and Discussion Regarding the Harris County Hospital District's Regulatory Review Status/Outcome
3. Presentation and Discussion Regarding Harris County Hospital District's Appointment Availability and Clinic Cycle Wait Time
4. Update and Discussion Regarding Harris County Hospital District's Right Care Program Initiative
5. Report on the Harris County Hospital District's Survey Readiness Executive Council's Preparation for the Joint Commission's Triennial Survey
6. Presentation, Discussion and Possible Action Regarding the Joint Commission Educational Materials: "The Source" and "The Perspectives"

#### **VIII. Executive Session**

At 11:10 A.M., Mr. DonCarlos stated that the Board would go into Executive Session under Section 161.032 of the Texas Health & Safety Code and Chapter 551 of the Texas Government Code Section 071. Mr. DonCarlos stated that the regular meeting of the Board would reconvene at the close of Executive Session.

#### **IX. Reconvene**

At 12:56 P.M., Ms. Truesdell reconvened the meeting and stated that no action was taken in Executive Session.

Mr. DonCarlos, Mr. Franklin and Ms. Spinks departed the meeting prior to the return to the open session.

- A. Consultation with the County Attorney regarding Cause No. 816,923; *Harris County Hospital District v. Textac Partners I, a Texas General Partnership, Houston ISD, Houston Community College, City of Houston, Harris County, Texas*; in County Civil Court at Law

No. Two (2), of Harris County, Texas, pursuant to Tex. Gov't Code Ann. §551.071 and Possible Action regarding this Matter Upon Return to Open Session

No action taken.

- B. Consultation with the County Attorney regarding Civil Action No. H-07-4152; Antonia Galindo vs. Ben Taub General Hospital, et al; in the United States District Court, Southern District of Texas; pursuant to Tex Gov't. Code Ann. §551.071, and Possible Action Regarding this Matter Upon Return to Open Session

No action taken.

- C. Consultation with the County Attorney regarding Cause No. 2008- 32047 – Emelda B. Castle-Lee vs. Matthew Carrick, MD, et al; in the 164<sup>th</sup> District Court of Harris County, Texas; pursuant to Tex Gov't. Code Ann. §551.071, and Possible Action Regarding this Matter Upon Return to Open Session

**Motion 08.10-593**

Moved by Mr. Wortham, seconded by Ms. Stiner, and unanimously passed, that the Harris County Hospital District, by and through its Board of Managers, approve the settlement and release of all claims related to *Cause No. 2008- 32047 – Emelda B. Castle-Lee vs. Matthew Carrick, MD, et al*; in the 164<sup>th</sup> District Court of Harris County, Texas; by payment of the total sum of \$20,000.00 and the discharge of all unpaid indebtedness of Emelda B. Castle to Harris County Hospital District incurred before May 2007, and David S. Lopez, President/CEO is authorized to execute any agreement, release or other necessary documents to effect this settlement.

Mr. Franklin, Ms. Spinks and Mr. DonCarlos departed the meeting prior to this vote.

- D. Consultation with the County Attorney regarding Cause No. 2008-41447 – Jessie Woods vs. Harris County Hospital District, in the 164<sup>th</sup> District Court of Harris County, Texas; pursuant to Tex Gov't. Code Ann. §551.071, and Possible Action Regarding this Matter Upon Return to Open Session

No action taken.

- E. Consultation with the County Attorney regarding *Cause No. 2008-09044; Isaac Grate, M.D. v. Harris County Hospital District*, in the 164<sup>th</sup> Judicial District Court of Harris County Texas, pursuant to Tex. Gov't Code Ann. §551.071 and Possible Action Regarding this Matter Upon Return to Open Session

**Motion 08.10-594**

Moved by Mr. Wortham, seconded by Ms. Stiner, and unanimously approved that the Harris County Hospital District, by and through its Board of Managers, approve the settlement and release of all claims and causes of action related to *Cause No. 2008-09044; Isaac Grate, M.D. v. Harris County Hospital District, et al.*; in the District Court of Harris County, Texas 164<sup>th</sup> Judicial District.

As part of this settlement, David S. Lopez or his designee shall, on behalf of the Harris County Hospital District, amend, supplement, or revise all statements made to the National Practitioner's Data Bank regarding Isaac Grate. The new statement shall be factually accurate and consistent with the determination of the Medical Staff.

David S. Lopez shall provide a letter to Isaac Grate with a factually accurate description of the events that transpired, and a statement that Isaac Grate's privileges were not permanently suspended or revoked.

These actions are conditioned upon Isaac Grate's agreement to dismiss all claims against Harris County Hospital District.

David S. Lopez, President/CEO is authorized to execute any agreement, release or other necessary documents to conclude this settlement.

- F. Consultation with the County Attorney regarding Joining Possible Lawsuit Challenging CMS Medicaid Drug Rebate Rule affecting Hospital Outpatient Clinic Administered Drugs pursuant to Tex. Gov't Code Ann. §551.071 and Possible Action Regarding this Matter Upon Return to Open Session

No action taken.

- G. Report by Interim Co-Compliance Officer regarding Compliance with Medicare, Medicaid, HIPAA and other Federal and State Health Care Program Requirements and a Status of Fraud and Abuse Investigation pursuant to Section 161.032 of the Texas Health & Safety Code

Presented as information only, requiring no action.

## **X. Adjournment**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously accepted to adjourn the meeting.

There being no further business, the meeting adjourned at 12:58 P.M.

I certify that the foregoing are the Minutes of the Meeting of the Board of Managers of the Harris County Hospital District held at the Administration Building in Houston, Texas on October 16, 2008.

Mr. Stephen DonCarlos, Chair  
Board of Managers

E. Dale Wortham, Secretary

Recorded by Charlaa Hunter &  
Anne McCowan