



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

**Thursday, March 27, 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. Elvin Franklin, Jr.  
Mr. Michael Jhin  
Dr. George Santos  
Ms. Mary Spinks

**BOARD MEMBERS ABSENT**

Ms. Daisy Stiner

**OTHERS PRESENT**

Mr. David Lopez, President & Chief Executive Officer  
Mr. George Masi, COO  
Mr. Jack McCown, Harris County Purchasing  
Mr. Kelly Johnson, Harris County Purchasing  
Attorney Mercedes Leal, County Attorney's Office  
Ms. Suzanne McPherson, Commissioner El Franco's Office  
Ms. Elizabeth Neal, Commissioner Jerry Eversole'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  
Media

(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 9:03 A.M. and noted that a quorum was present. The attendance was recorded.

**II. Approval of Minutes of Previous Meeting**

A. **Motion 08.3-185**

Moved by Ms. Truesdell, seconded by Mr. Wortham, and unanimously passed, that the Board approve the minutes of the February 28, 2008 Public Budget Hearing and the February 28, 2008 regular meeting of the Board of Managers.

**III. Hear from Citizens**

*Mr. Toney Wilke* addressed the Board regarding his care here at the District.

**IV. Consideration of Approval to Waive Article XVII. 2 of the Bylaws of the Board of Managers of the Harris County Hospital District**

This item was deferred until the April Board meeting.

**V. Consideration of Approval to Amend the Bylaws of the Board of Managers of the Harris County Hospital District**

This item was deferred until the April Board meeting.

**VI. Motion 08.3-186**

Moved by Ms. Spinks, seconded by Mr. Franklin, and unanimously passed, that the Board approve the appointment of George D. Santos, M.D. to the Performance Improvement and Patient Safety Committee of the Harris County Hospital District Board of Managers.

Ms. Truesdell commented that technically, because we can not amend the Bylaws increasing the number of members, Dr. Santos will not be a member until after the April meeting but is welcome to attend and be designated as a member for the April Committee meeting.

**VII. President/Chief Executive Officer's Report to Include: (1) Senate Bill #10: Status Report and (2) CMS Rule Change: Status Report**

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

**VIII. Items Related to Purchasing**

Mr. DonCarlos called on Mr. Danny Jackson to present items related to purchasing.

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

a. **Motion 08.3-187**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve an award on the basis of best proposal meeting requirements to Skanska USA Building, Inc. for Construction Manager at Risk for building construction of the Radiation Therapy, Diagnostics Imaging and Specialty Clinic including a parking garage and the expansion and remodeling of the Lyndon B. Johnson (LBJ) General Hospital Emergency Center in the estimated amount of \$7,789,198.

b. **Motion 08.3-188**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve an award on the basis of sole source to Computer Associates

International for software license agreement for the IBM Mainframe in the amount of \$276,440 for the term April 30, 2008 through April 29, 2009.

c. **Motion 08.3-189**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve a purchase on the basis of sole source of additional PeopleSoft Financial software licenses from Oracle USA, Inc. (F.K.A. PeopleSoft USA, Inc.) in the amount of \$299,505.00.

d. **Motion 08.3-190**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve the purchase of computers, monitors and printers from DIR through Dell Computer Marketing (DIR contract DIR-SDD-192) in the amount of \$1,612,435.00.

e. **Motion 08.3-191**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve the purchase of ultrasound systems (4 ea.) from Philips Medical Systems North America Company in the amount of \$577,203.00.

f. **Motion 08.3-192**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve an award on the basis of best contract to Lumenis, Inc. in the amount of \$142,938.00.

g. **Motion 08.3-193**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve an award on the basis of best priced contract to Hill-Rom Company, Inc. for affinity birthing beds (17 ea.) in the amount of \$209,259.00.

h. **Motion 08.3-194**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve an award on the basis of overall best proposal meeting specifications to The Standard Register Company for forms and related products in the estimated first year amount of \$653,818 for the term April 1, 2008 through March 31, 2011 (three year term with annual funding).

i. **Motion 08.3-08.195**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve an award on the basis of lowest priced contract to Hill-Rom Company Inc. for versa-care patient beds (16 ea.) in the amount of \$117,090.00.

j. This item was pulled at the Budget and Finance Committee on March 13, 2008.

k. **Motion 08.3-196**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve an award on the basis of lowest priced proposal to Xerox Corporation for printers, copiers, facsimiles and facilities management in the estimated first year amount of \$245,156 for the term April 1, 2008 through December 31, 2009 (five year term with annual funding).

l. **Motion 08.3-197**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve an award on the basis of lowest priced proposal meeting requirements to Network Sciences, Inc. for joint eligibility software system in the estimated amount of \$343,073 for the term one year upon execution of agreement. (Automatic continuation with payment of annual maintenance.)

m. **Motion 08.3-198**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve an award on the basis of low bid to Carl Zeiss Meditec, Inc. for otolaryngology surgical microscopes (2. ea.) in the amount of \$179,657.00.

n. **Motion 08.3-199**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve an award on the basis of lowest priced contract to GE Medical Systems for cardiac ultrasonic scanners (3 ea.), portable ultrasound (1 ea.) with Xcelera License in the amount of \$519,509.00.

o. **Motion 08.3-200**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve awards on the basis of lowest and best bids for Best Care EMS Ltd. (primary vendor for Ben Taub; secondary vendor for Lyndon B. Johnson) and Northstar EMS (primary vendor for Lyndon B. Johnson; secondary vendor for Ben Taub) in the estimated multi-vendor amount of \$800,000 for the term April 1, 2008 through March 31, 2009 with two one-year renewals.

p. **Motion 08.3-201**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve funding for year three of a five-year agreement for Masimo Americas, Inc. through Cardinal Health (PP-NS-347) for pulse oximeter monitoring in the estimated amount of \$769,384 for the term April 13, 2008 through April 12, 2009.

q. **Motion 08.3-202**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve additional funds and an extension for Abbott Diagnostics, Inc. (PP-LA-102) through Cardinal Health for blood glucose meters, reagents, training and service in the estimated amount of \$266,043 for the term April 14, 2008

through October 31, 2008. (The Board previously approved funds in the amount of \$532,086 for the term April 14, 2007 through April 13, 2008; these additional funds bring the total funded amount to \$798,129.00.)

r. **Motion 08.3-203**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve additional funds and an extension for Baylor College of Medicine, Department of Molecular & Human Genetics, Medical Genetics and DynaGene-a LabCorp Company for special reference laboratory services in the multi-vendor amount of \$136,350 for the extended term of May 1, 2008 through October 31, 2008. (The Board previously approved funds in the amount of \$272,700 for the term May 1, 2007 through April 30, 2008; these additional funds bring the total funded amount to \$409,050.)

s. This item was pulled at the Budget and Finance Committee on March 13, 2008.

t. **Motion 08.3-204**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve the third of four renewal options for Centennial Contractors Enterprises, Inc. (primary vendor) and Kellogg Brown & Root Services, Inc. (secondary vendor) for job order contracting for small and large projects in the estimate multi-vendor amount of \$2,000,000 for the term April 1, 2008 through March 31, 2009.

u. **Motion 08.3-205**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve the second and final renewal option for Rad-Link Staffing, Inc. for non-professional temporary healthcare personnel in the estimated amount of \$1,000,000 for the term April 1, 2008 through March 31, 2009.

v. **Motion 08.3-206**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve the first and final renewal option for States Health Inc. dba States Health Care Services for supplemental non-professional temporary healthcare personnel in the estimated amount of \$1,000,000 for the term April 1, 2008 through March 31, 2009.

w. **Motion 08.3-207**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve the first and final renewal option for Enterprise Systems Corporation for Nortel telephones and equipment in the estimated amount of \$342,300 for the term March 1, 2008 through February 28, 2009.

x. **Motion 08.3-208**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve the second of three renewal options for Toshiba America

Medical Systems for preventive maintenance and repair services for Toshiba Cath Labs in the estimated amount of \$166,015 for the term May 1, 2008 through April 30, 2009.

y. **Motion 08.3-209**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve the first of four renewal options for bioMerieux, Inc. (PP-LA-220 formerly PP-LA-151) for automatic microbiology blood culture in the estimated amount of \$262,500 for the term May 1, 2008 through April 30, 2009.

z. **Motion 08.3-210**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve the second and final renewal options for Supplemental Health Care Services, Inc. and Advanced Health Education Center dba Medrelief Staffing for temporary radiography personnel in the multi-vendor estimated amount of \$1,000,000 for the term April 1, 2008 through March 31, 2009.

aa. **Motion 08.3-211**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board approve an award to The University of Texas Health Science Center at Houston for oral and maxillofacial surgery services in the estimated amount of \$1,345,987 for the term April 1, 2008 through March 31, 2009 with two one-year renewal options subject to execution of the agreement.

bb. **Motion 08.3-212**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board ratify an award to 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 an amount not to exceed \$60,000 for the term January 16, 2008 through April 8, 2008.

cc. **Motion 08.3-213**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board ratify extensions for Best Care EMS, Ltd and American Medical Response of Texas, Inc. for ambulance services requiring no additional funds for the extended term December 1, 2007 through March 31, 2008.

dd. **Motion 08.3-214**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board ratify funding for the fifth and final year of the agreement for International Business Machines Corporation for IBM Enterprise software maintenance agreement in the amount of \$107,617 for the term February 15, 2008 through February 14, 2009.

ee. **Motion 08.3-215**

Moved by Mr. Jackson, seconded by Mr. Wortham, and unanimously passed, that the Board ratify the first of two renewal options for Sodexo Services of Texas Limited Partnership for turnkey management and operation of food and nutrition services in the estimated amount of \$3,290,286 (March 7, 2008 through March 6, 2009) for the term March 7, 2008 through March 6, 2011 subject to fiscal funding each year.

A(2). Transmittal of Completed Purchases under \$100,000  
**(For Informational Purposes Only)**

- a. Transmittal of purchase on the basis of best contract of electrosurgical unit (ESU) for gastrointestinal applications from Tyco Healthcare (Vally Lab) in the amount of \$40,922.00.
- b. Transmittal of an award for Jose Bayona, M.D. (Physician Advisor) through The University of Texas Health Science Center at Houston for clinical case management services in the amount of \$80,000 for the term April 1, 2008 through March 31, 2009 with two one-year renewal options.
- c. Transmittal of the purchase of maintenance and service of security equipment from DIR through Siemens Building Technologies Inc. in the estimated amount of \$35,000 for the term March 1, 2008 through December 31, 2008.
- d. Transmittal of an award for Tyco Healthcare Group, LP The Kendall Company for chart paper in the estimated amount of \$41,005 for the term April 1, 2008 through March 31, 2009.
- e. Transmittal of awards for Century Business Equipment – Categories I and III and Bob Peckham & Associates, Inc. dba Office Systems of Texas – Category II for facsimile machines in the amount of \$58,000 for the term May 1, 2007 through April 30, 2008.
- f. Transmittal of an award on the basis of low bid for SWA International Company, LLC for oral surgery procedure chairs (4 ea.) in the amount of \$21,932.00.
- g. Transmittal of an award on the basis of low bid for DMS Health Group for rental of magnetic resonance imaging (MRI) unit in the amount of \$50,000.00.
- h. Transmittal of purchase on the basis of low bid meeting specifications for Carl Zeiss Meditec, Inc. for ophthalmology operating microscope in the amount of \$68,940.00.
- i. Transmittal of an award on the basis of lowest priced contract for Drager Medical for anesthesia unit in the amount of \$69,205.00.
- j. Transmittal of a purchase on the basis of sole source of endoscope washer disinfectant from Custom Ultrasonics Inc. in the amount of \$52,058.00.

- k. Transmittal of a purchase on the basis of sole source of medical laser (Yag) from Lumenis, inc. in the amount of \$26,345.00.
- l. Transmittal of an award on the basis of sole source of intra-aortic balloon pump from Datascope Corporation Cardiac Assist Division in the amount of \$47,620.00.
- m. Transmittal of a purchase on the basis of sole source of electrosurgical unit (ESU) for pulmonary applications from ERBE USA Incorporated in the amount of \$35,461.00.
- n. Transmittal of a purchase on the basis of sole source of intensive care ventilators (2 ea.) from Viasys Healthcare, Inc. in the amount of \$65,066.00.
- o. Transmittal of an award on the basis of sole source for Gryus AMCI Corp. for cyberwand USA (Lithotripsy) system in the amount of \$33,275.00.
- p. Transmittal of the first of two renewal options for Houston Council on Alcoholism and Drug Abuse (dba The Council on Alcohol and Drugs Houston) for alcohol and other drug screening assessment and referral services for Federal Demonstration to Maintain Independence and Employment (DMIE) Project Participants in the estimated amount of \$30,000 for the term May 1, 2008 through April 30, 2009.
- q. Transmittal of the third of four renewal options for Vericom Corporation for on-hold telecommunications message system in the estimated amount of \$54,000 for the term April 1, 2008 through March 31, 2009.
- r. Transmittal of exemption from the competitive bid requirements and the first of two renewal options for Bela Patel, M.D. (Physician Advisor) through The University of Texas Health Science Center at Houston for clinical case management services in the amount of \$80,000 for the term May 1, 2008 through April 30, 2009.
- s. Transmittal of the second of four renewal options for Acceletronics, Inc. for preventive maintenance and repair services for Linear Accelerators in the estimated amount of \$56,000 for the term May 1, 2008 through April 30, 2009.
- t. Transmittal of the first of four renewal options for The Iris Companies for plastic identification cards in the estimated amount of \$35,000 for the term May 1, 2008 through April 30, 2009.

## **IX. Reports of the Committees**

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

### **A. Joint Conference Committee**

The Joint Conference Committee met March 13, 2008 and brings forth the following report:

1. Report of the Board of Managers Joint Conference Committee

**The following items did not go to the Joint Conference Committee and come directly to the Board:**

2. **Motion 08.3-216**

Moved by Mr. Franklin, seconded by Ms. Truesdell, and unanimously passed, that the Board approve the March 2008 credentialing changes for members of the HCHD Medical Staff. (Appendix "A").

3. **Motion 08.3-217**

Moved by Mr. Wortham, seconded by Ms. Spinks, and unanimously passed, that the Board accept the Medical Board Report as included in the packet. (Appendix "B").

4. **Motion 08.3-218**

Moved by Mr. Wortham, seconded by Dr. Santos, and unanimously passed, that the Board approve the changes in the Medical Staff Bylaws as presented.

5. **Motion 08.3-219**

Moved by Mr. Wortham, seconded by Dr. Santos, and unanimously passed, that the Board approve the changes in the Medical Staff Rules and Regulations as presented.

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

## **B. Budget and Finance Committee**

The Budget and Finance Committee met March 13, 2008 and brings forth the following:

1. **Motion 08.3-220**

Moved by Ms. Spinks, seconded by Ms. Truesdell, and unanimously passed, that the Board accept the February 29, 2008 Pension Plan report subject to final audit.

2. **Motion 08.3-221**

Moved by Mr. Wortham, seconded by Ms. Truesdell, and unanimously passed, that the Board accept the Fourth Quarter Investment Report for the period ended February 29, 2008.

**The following items did not go to the Budget and Finance Committee and come directly to the Board:**

3. **Motion 08.3-222**

Moved by Ms. Truesdell, seconded by Ms. Spinks, and unanimously passed, that the Board accept the February 29, 2008 Financial Report subject to final audit.

4. **Motion 08.3-223**

Moved by Mr. Franklin, seconded by Ms. Spinks, and unanimously passed, that the Board approve the conversion of the Harris County Hospital District Senior Lien

Refunding Revenue Bonds, Series 2007B from an auction rate mode to a term rate mode; approval of the engagement of financial advisor, underwriters, bond counsel and disclosure counsel; approving distribution of a reoffering memorandum; and authorizing any other action necessary for the conversion of the bonds from an auction rate mode to a term rate mode.

5. **Motion 08.3-224**

Moved by Ms. Spinks, seconded by Ms. Truesdell, and unanimously passed, that the Board approve payment to the American Hospital Association for 2008 membership dues in the amount of \$113,934.00.

6. Presentation of February 2008 Financial Statements of Community Health Choice, Inc.

Mr. Richard Lee presented the February 2008 Financial Statements of Community Health Choice, Inc. Highlights for the month of February include:

- Net income \$1,132,456
- STAR Member months were 6% below budget
- CHIP Member months were 4% below budget
- CHIP Perinate member months were 21% above budget
- Total revenue 6% below budget
- Administration expenses 17% below budget

Mr. DonCarlos called on Ms. Mary Spinks to present agenda items relative to Capital Building Committee

**C. Capital Building Committee**

The Capital Building Committee met March 13, 2008 and brings forth the following:

1. **Motion 08.3-225**

Moved by Ms. Spinks, seconded by Mr. Wortham, and unanimously passed, that the Board of Managers authorize the Hospital District to request the services of the County Right of Way Department to appraise possible sites for the relocation of the Peoples Health Center.

2. **Motion 08.3-226**

Moved by Ms. Spinks, seconded by Mr. Wortham, and unanimously passed, that the Board of Managers authorize the Hospital District to request the services of the County Right of Way Department to enter into negotiations for the purchase of available 3.37 acres of land in the area of the Alief Health Center. (This property has been appraised by the Right of Way Department and is estimated to be 3.37 acres.)

3. **Motion 08.3-227**

Moved by Ms. Spinks, seconded by Mr. Wortham, and unanimously passed, that the Board of Managers authorize the Hospital District to enter into negotiations for a

lease agreement with Warehouse Associates for approximately 117,775 square feet of space. The proposed term of this lease agreement is for a minimum of five years.

Mr. DonCarlos called on Mr. Elvin Franklin, Jr. to present agenda items relative to the Planning and Operations Committee.

Mr. Franklin commended The Board Office, Charlaa Hunter, Deal Newberry and Peter Dancy for their assistance relative to concerns that one of our Ben Taub patient's family needed addressed.

#### **D. Planning and Operations Committee**

The Planning and Operations Committee met March 13, 2008 and brings forth the following:

##### **1. Items related to Specialty and Primary Clinics and other Facilities**

###### **a. Ratifications**

###### **1. Motion 08.3-228**

Moved by Mr. Franklin, seconded by Ms. Spinks, and unanimously passed, that the Board ratify and amend an agreement between the Harris County Hospital District/Health Care for the Homeless Program and Baylor College of Medicine, Department of Family and Community Medicine for the provision of psychiatric services to homeless individuals in an amount not to exceed \$12,636 for the term November 1, 2007 through October 31, 2008.

###### **2. Motion 08.3-229**

Moved by Mr. Franklin, seconded by Ms. Spinks, and unanimously passed, that the Board ratify an agreement funded by Ryan White Modernization Act Part A between the Harris County Hospital District and Baylor College of Medicine, Department of Obstetrics and Gynecology to provide physician services to eligible HIV-infected females who are patients of the Harris County Hospital District in the amount of \$61,755 for the term March 1, 2008 through February 28, 2009.

###### **3. Motion 08.3-230**

Moved by Mr. Franklin, seconded by Ms. Spinks, and unanimously passed, that the Board ratify an agreement funded by Ryan White Modernization Act Part A between the Harris County Hospital District and Baylor College of Medicine, Department of Medicine to provide physician services to eligible HIV-infected individuals who are patients of the Harris County Hospital District in the amount of \$571,366.75 for the term March 1, 2008 through February 28, 2009.

4. **Motion 08.3-231**

Moved by Mr. Franklin, seconded by Ms. Spinks, and unanimously passed, that the Board ratify an agreement funded by Ryan White Modernization Act Part A between the Harris County Hospital District and University of Texas Health Science Center of Houston to provide physician services to eligible HIV-infected individuals who are patients of the Harris County Hospital District in the amount of \$452,190 for the term March 1, 2008 through February 28, 2009.

5. **Motion 08.3-232**

Moved by Mr. Franklin, seconded by Ms. Spinks, and unanimously passed, that the Board ratify an agreement funded by Ryan White Modernization Act Part D between the Harris County Hospital District and Houston Regional HIV/AIDS Resource Group to provide case management and primary care services to eligible HIV-infected women, families and children who are patients of the Harris County Hospital District in the amount of \$255,945 for the term August 1, 2007 through July 31, 2008.

b. Agreements

1. **Motion 08.3-233**

Moved by Mr. Franklin, seconded by Ms. Spinks, and unanimously passed, that the Board approve an agreement between the Harris County Hospital District and Harmony House in the amount of \$110,000 for the term April 1, 2008 through March 31, 2009.

2. **Motion 08.3-234**

Moved by Mr. Franklin, seconded by Ms. Spinks, and unanimously passed, that the Board approve a Memorandum of Understanding between the Harris County Hospital District and the Spring Branch Community Health Center located in Harris County.

2. **Items Related to Personnel**

**Motion 08.3-235**

Moved by Mr. Franklin, seconded by Ms. Spinks, and unanimously passed, that the Board ratify the Eighth Amendment to the Harris County Hospital District's Pension Plan for a one-time supplemental benefit payment payable in 2008, 2009 and 2010.

3. **Items Related to Buildings and Properties**

**The following item did not go to the Planning and Operations Committee and comes directly to the Board:**

**Motion 08.3-236**

Moved by Mr. Franklin, seconded by Mr. Wortham, and unanimously passed, that the Board of Managers approve Amendment No. 2 to expand the current scope of services and increase funding for the existing Architectural/Engineering Agreement between the Harris County Hospital District and Hellmuth Obata + Kassabaum, L.P. (HOK) to include a 5<sup>th</sup> level to the new Radiation Therapy Diagnostic Imaging and Specialty Center and a 9<sup>th</sup> floor to the parking garage for a fee in the amount of \$747,000 plus \$10,000 for reimbursable expenses, totaling \$757,000.00.

Mr. DonCarlos called on Mr. Dale Wortham to present agenda items relative to Corporate Compliance Committee.

**E. Corporate Compliance Committee**

The Corporate compliance Committee met March 13, 2008 and brings forth the following:

1. **Motion 08.3-237**

Moved by Mr. Wortham, seconded by Ms. Spinks, and unanimously passed, that the Board approve the Harris County Hospital District Compliance Hotline Policy# 3.36 which provides guidance on the operation of the Harris County Hospital District's (HCHD) Compliance Hotline to be effective March 27, 2008.

2. **Motion 08.3-238**

Moved by Mr. Wortham, seconded by Ms. Spinks, and unanimously passed, that the Board approve the Harris County Hospital District Corporate Compliance Department and Legal Counsel Protocols and Procedures Policy# 3.37 which provides guidance for the Corporate Compliance Officer (CCO) and the Harris County Attorney's Office as they carry out their responsibilities related to the HCHD Corporate Compliance Program to be effective March 27, 2008.

3. **Motion 08.3-239**

Moved by Mr. Wortham, seconded by Ms. Spinks, and unanimously passed, that the Board approve the Harris County Hospital District Compliance Officer Duties Policy# 3.38, which defines the role and responsibilities of the Corporate Compliance Officer (CCO) as they relate to the HCHD Corporate Compliance Program and the Corporate Compliance Department.

**X. Miscellaneous Agenda Items**

A. **Motion 08.3-240**

Moved by Ms. Truesdell, seconded by Ms. Spinks, and unanimously passed, that the Board accept donation of a mobile mammography unit from the Harris County Hospital District Foundation valued at approximately \$500,000.00.

**B. Motion 08.3-241**

Moved by Ms. Truesdell, seconded by Mr. Franklin, and unanimously passed, that the Board approve an amendment to the Epilepsy Services Grant between the Harris County Hospital District and the Department of State Health Services (DSHS) for the contract year effective February 15, 2008.

**C. Motion 08.3-242**

Moved by Ms. Spinks, seconded by Ms. Truesdell, and unanimously passed, that the Board ratify an agreement between the Harris County Hospital District and the Houston Area Women's Center for the initial term ending September 30, 2009.

**D. Motion 08.3-243**

Moved by Ms. Spinks, seconded by Dr. Santos, and unanimously passed, that the Board ratify a renewal agreement between the Harris County Hospital District and the Texas Department of State Health Services for the DMIE demonstration project for the term September 1, 2007 through August 31, 2008. The compensation for the services will be cost based for all administrative and enhanced clinical services. Medicaid-like clinical services provided by the HCHD will be reimbursed at 60.53% of the Medicaid rate. HCHD will be reimbursed by the federal grant funding this demonstration project.

**E. Motion 08.3-244**

Moved by Ms. Spinks, seconded by Mr. Jackson, and unanimously passed, that the Board approve for the District to enter into a Second Amendment to Agreement for Special Counsel with Haynes and Boone, LLP to allocate additional funds in the amount of \$70,000 to their engagement.

**F. Motion 08.3-245**

Moved by Ms. Spinks, seconded by Mr. Jackson, and unanimously passed, that the Board approve for the District to enter into an Agreement between the Harris County Hospital District and Vinson & Elkins, LLP in the amount of \$150,000 for a term beginning April 2, 2008 through April 1, 2009.

**XI. Executive Session**

At 11:03 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, 072 and 074. Mr. DonCarlos stated that the regular meeting of the Board would reconvene at the close of Executive Session.

**XII. Reconvene**

At 12:58 P.M., Mr. DonCarlos reconvened the meeting and asked if there were further input to the agenda.

The Corporate Compliance Committee met March 13, 2008 and brings forth the following report (Agenda item "A" only).

- A. Report by 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 Investigation, pursuant to Section 161.032 of the Texas Health & Safety Code.

Presented as informational only, requiring no action.

- B. Discussion of the Employment and Duties of the Following Employees of the Board of Managers' Office: The Administrator, Manager, Administrative Assistant and Secretary, pursuant to Tex. Gov't Code Ann. Section 551.074 and Possible Action Regarding this Matter Upon Return to Open Session

**Motion 08.3-246**

Moved by Ms. Truesdell, seconded by Ms. Spinks, and passed that the Board rescind a portion of Motion 96.5-168 adopted May 23, 1996 leaving a. "The Board of Managers Office will come under the direct supervision of the Board of Managers effective June 1, 1996 with a representative of the Board of Managers to attend at weekly Administrative Staff meetings" in place, but rescinding b. "The staff will be directly responsible to the Board of Managers including performance evaluation" and moving that the Administrator of the Board Office shall report directly to the Board and the remaining staff of the Board office shall report to the Administrator of the Board office but are subject to evaluation and salary structure in accordance with District policies and procedures.

The motion passed six to one with the following vote:

Mr. Stephen DonCarlos, Mr. Danny Jackson, Mr. Michael Jhin, Dr. George Santos, Ms. Mary Spinks, Ms. Carolyn Truesdell each voted yes.

Mr. Elvin Franklin, Jr. voted no. Mr. Dale Wortham departed the meeting prior to this vote.

Mr. Franklin commented that he voted against the motion not because he opposes the result but because he believes any current matters should be handled by the Board under the previous motion.

- C. Consultation with the County Attorney regarding Agreement with Affiliated Medical Services, pursuant to Tex. Gov't Code Ann. §551.071 and Possible Action regarding this Matter Upon Return to Open Session

No action taken.

- D. Consultation with the County Attorney regarding Cause No. 2001-54285, *Spring Branch Independent School District vs. Old Katy Road 28 Ltd*; property on Lumpkin Road Conveyed and Acquired by Tax Foreclosure Sale to Houston Community College System by the Spring Branch Independent School District to Itself, Harris County, the Port of Houston Authority, the Harris County Flood Control District, the Harris County Hospital District, the Harris County Education Department and the City of Houston,

pursuant to Tex. Gov't Code Ann §551.071 and Possible Action Regarding this Matter Upon Return to Open Session

**Motion 08.3-247**

Moved by Ms. Truesdell, seconded by Ms. Spinks, and unanimously approved, that it is ordered by the Board of Managers of the Harris County Hospital District that:

**Section 1:** The recitals set forth in the order are true and correct.

**Section 2:** David S. Lopez, President/CEO is authorized to consent for and on behalf of the Harris County Hospital District, regarding the property described in the above referenced tax suit, and the conveyance and acquisition of same by the Spring Branch Independent School District to the Harris County Community College System. The Harris County Hospital District is hereby authorized to join in the conveyance and acquisition of the property described in the order.

Mr. Dale Wortham departed the meeting prior to this vote.

- E. Consultation with the County Attorney regarding Claim by A-Rocket Moving & Delivery, Inc. for Storage of District Property from October 1, 2006 through January 31, 2008, pursuant to Tex. Gov't Code Ann §551.071 and Possible Action Regarding this Matter Upon Return to Open Session

**Motion 08.3-248**

Moved by Ms. Truesdell, seconded by Mr. Franklin, and unanimously approved, that the Harris County Hospital District, by and through its Board of Managers, approve and ratify the settlement of all claims related to A-Rocket Storage & Delivery, Inc. for storage space provided between October 1, 2006 and January 31, 2008, by payment of \$43,190.00 payable to A-Rocket Storage & Delivery, Inc. and that David S. Lopez, President/CEO is authorized to execute any agreement, release or other necessary documents to effect this settlement.

Mr. Dale Wortham departed the meeting prior to this vote.

- F. Consultation with the County Attorney regarding Cause No. 2006-10167, *Eugene Dale Harris , et al. v. Harris County Hospital District* and Cause No. 2006-15321; *Sonja Scott, et al. v. Harris County Hospital District*, pursuant to Tex. Gov't Code Ann §551.071 and Possible Action Regarding this Matter Upon Return to Open Session

No action taken.

- G. Consultation with the County Attorney regarding a claim by Glenda Caldwell, pursuant to Tex. Gov't Code Ann. §551.071 and Possible Action regarding this Matter Upon Return to Open Session

No action taken.

- H. Consultation with the County Attorney regarding Contract with NovaPro Risk Solutions, LP, pursuant to Tex. Gov't Code Ann §551.071 and Possible Action Regarding this Matter Upon Return to Open Session

**Motion 08.3-249**

Moved by Ms. Truesdell, seconded by Ms. Spinks, and unanimously passed, that the Harris County Hospital District, by and through its Board of Managers, approve and hereby authorize the Harris County Attorney's Office to investigate NovaPro Risk Solutions, LP's administration of the Harris County Hospital District's self-insured workers' compensation fund. The Harris County Attorney's Office is authorized to take such actions as are necessary to recover any damages incurred by the Harris County Hospital District from NovaPro Risk Solutions, LP's administration of the District's self-insured worker's compensation fund, including informal and formal negotiations, mediation, arbitration, and litigation.

Mr. Dale Wortham departed the meeting prior to this vote.

- I. Discussion regarding the Acquisition of Real Property in Connection with the Hospital District's 2015 Strategic Plan pursuant to Tex. Gov't Code Ann. Section 551.072 and Possible Action Regarding this Matter upon Return to Open Session

No action taken.

**XII. Adjournment**

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

There being no further business, the meeting adjourned at 1:02 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 March 27, 2008.

Mr. Stephen DonCarlos, Chair  
Board of Managers

E. Dale Wortham, Secretary

Recorded by Charlaa Hunter &  
Anne McCowan