



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

Thursday, April 30, 2009

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.
Dr. George Santos
Ms. Mary Spinks
Ms. Daisy Stiner
Dr. Atul Varadhachary

BOARD MEMBERS ABSENT

OTHERS PRESENT

Mr. David Lopez, President & Chief Executive Officer
Mr. Kelly Johnson, Harris County Purchasing Agent
Ms. Vivian Groce, Harris County Assistant Purchasing Agent
Attorney Mercedes Leal, County Attorney's Office
Ms. Peggy Boice, Judge Ed Emmett's Office
Mr. Lester Byrd, Commissioner El Franco Lee's Office (left 11:05 a.m.)
Ms. Gloria Moreno, Commissioner Sylvia Garcia's Office
Ms. Elizabeth Neal, Commissioner Jerry Eversole's Office (9:19 a.m.)
Mr. Mark Fury, Commissioner Steve Radack's Office (9:15 a.m.)
Dr. Robert Atmar, Infectious Disease, Baylor College of Medicine/BTGH
Dr. Herminia Palacio, Harris County Public Health and Environmental Services
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 9:04 a.m. and noted that a quorum was present. The attendance was recorded.

Mr. DonCarlos welcomed Dr. Varadhachary, noting that his expertise and experience would be a valuable asset to the Board.

II. Approval of Minutes of Previous Meetings

Motion 09.4-38

Moved by Ms. Truesdell, seconded by Mr. Jackson, and unanimously passed, that the Board approve the minutes of the March 26, 2009 Board of Managers meeting.

III. Hear from Citizens

Dr. Claire Bocchini addressed the Board regarding pediatric services provided at Ben Taub General Hospital.

Dr. Alison Niebanck addressed the Board regarding pediatric services provided at Ben Taub General Hospital.

Dr. Lucila Marquez addressed the Board regarding pediatric services provided at Ben Taub General Hospital.

Dr. Sam Stubblefield addressed the Board regarding pediatric services provided at Ben Taub General Hospital.

IV. President/Chief Executive Officer's Report to Include: 1) Balanced Scorecard, 2) Leadership Institute, 3) Pediatrics, and 4) The Swine Flu Outbreak

Swine Flue Outbreak

Mr. DonCarlos changed the order of the agenda. He asked that Item VII. 3) Pediatrics and 4) The Swine Flu Outbreak be presented at this time.

Mr. Lopez addressed the Swine Flu Outbreak and introduced Dr. Robert Atmar who is nationally and internationally known in infectious disease management. Dr. Atmar stated that Swine Flu (H1N1 Influenza) is different than other viruses and causes the potential threat of a worldwide epidemic of influenza. It is unknown at this time how long the virus will be active in the communities, but the District needs to be prepared. The virus is in the local community and several schools have already closed down in Harris County. It is anticipated that additional confirmed cases will be announced in the next day or two. He stated that the District has been working on a process for the pavilion laboratories since this past weekend. Patients will undergo rapid testing and the sample will be passed to the City Health Department for further testing. He stated that drug supplies in the District are limited and treatment is limited to those who have been hospitalized with confirmed or suspected swine influenza. Assessments are being made daily and individuals are screened as they come in. Daily or twice daily conference calls are being held as the volume increases. The District will assess what the needs are and reach a consensus as to what steps are taken.

Dr. Santos asked if there was any storage of Tamiflu. Dr. Ryan Roux stated that the District has enough Tamiflu on hand to treat 300 adult patients and 100 pediatric patients. The manufacturer is taking orders, but not filling them at this time. Dr. Atmar stated that there was a taskforce meeting on April 29th with the public health authority. Antivirals and vaccines were addressed and it was reported that those at the top of the list for resource limited areas are hospitalized patients and healthcare workers. Healthcare

workers should be reassured that they can get treatment and get back to work should they become sick.

Ms. Stiner asked how many confirmed cases were in District facilities. Dr. Atmar stated that there were no confirmed cases, but there have been some false positives. There were two positive samples in the Pedi EC yesterday, but the samples have not been assessed. He noted that the turnaround time for the city is 48 hours. Dr. Varadhachary asked if they had the capacity to do screening for everyone who shows up with a cough. Dr. Atmar stated that they currently do and are looking at diagnostic testing options such as rapid testing (30 minute test). Dr. Santos asked if visitors were being screened. Dr. Atmar stated that they are putting signs up that ask individuals to report to a nurse or healthcare worker if they have febrile respiratory illness. The next step is to start screening at the doorway. Dr. Santos asked if rapid screening was being done in the outpatient clinics. Dr. Atmar stated that the health centers are sending samples to the labs at the pavilions. They are not treating outpatients at the current time unless they become hospitalized.

Questions were raised regarding the supply of Tamiflu. Dr. Atmar stated that the drugs are being distributed within the community. Approximately 1,000,000 doses were delivered to Walgreen's this week. These doses are not being shared with the hospitals. Dr. Roux stated that the only numbers he has seen for the vaccine came out of the state operations center on April 29th. The Governor asked for an additional 812,000 doses from the national stockpile. Dr. Atmar stated that they could relax the treatment guidelines and treat high risk outpatients if they were reassured that the supply from the state was available. Mr. Wortham asked if it would be helpful to have masks at the clinics and hospitals available to visitors. Dr. Atmar stated that there was discussion regarding making them generally available, but it was felt that they would become short on resources. Dr. Santos stated that he would like to have a protocol or policy indicating at what point they take a more active response with employees who have had contact. Mr. Lopez stated that they can get this to Dr. Santos. He stated that they want to be prepared in the event that this becomes more of an issue, and noted that there are many contingency plans in place. Mr. DonCarlos reiterated that the District must be very careful in taking care of the staff, especially those in the EC.

PEDIATRICS

Mr. DonCarlos stated that Dr. Santos had suggested a more detailed discussion regarding pediatrics. A meeting will be held to accomplish this, but an overview was presented for information. Mr. Webster gave a presentation on inpatient pediatric services. The average daily census per month for the last year was presented. One third of the hours the BT EC is on diversion for adult patients due to lack of adult ICU/IMU beds. Currently at BTGH, there are approximately 20 general pediatric beds and 6 Pedi ICU beds. Pediatric service initiatives include an administrator being assigned to partner with the Chief of Pediatrics and an increase in age from 17 to 18. The four options for pediatrics are 1) status quo 2) consolidate inpatient pediatrics to one hospital 3) open an inpatient pediatric unit at a non-HCHD hospital, and 4) relocate general pediatric beds from 5E to 5G, converting PICU to Pedi ICU/IMU. One of the preferred actions is to

relocate 5E to 5G and converting PICU to Pedi ICU/IMU. Immediate actions also include adding pediatricians to all health centers. Four pediatricians have been hired for the El Franco Lee Health Center and one each at the Strawberry Health Center and school based clinic.

Mr. Franklin commended and thanked Administration for including the Board on these discussions and decisions. Pediatrics will be discussed at the May Committee and May Board meetings. A copy of the report is available in the permanent record.

IV. Consideration of Approval of Recommendations and Acceptance of Agenda Items Identified as Consent Agenda Items

Agenda Items B, C, and D were pulled from the Consent Agenda and moved to Agenda Item V. B.

Motion 09.4-39

Moved by Mr. Wortham, seconded by Mr. Franklin, and unanimously passed, that the Board approve the Consent Agenda of the April 30, 2009 meeting of the Board of Managers as presented with the exception of items A(2) which was presented for information only, and B, C, and D, which were moved.

Dr. Varadhachary abstained from voting on agenda items nn, oo, R and T.

A. Items related to Purchasing

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

- a. award on the basis of lowest priced contract for Cardinal Health 200, Inc. for IV site management products (central line dressing trays only) in the estimated amount of \$135,787 for the term May 1, 2009 through April 30, 2010.
- b. award on the basis of lowest priced contract for Cardinal Health 200, Inc. for IV site management products (IV start kits only) in the estimated amount of \$147,268 for the term May 1, 2009 through April 30, 2010.
- c. award on the basis of low bid for Texas Access Controls for maintenance services for automatic doors in the estimated amount of \$318,600 for the term May 1, 2009 through April 30, 2010 with four (4) one-year renewal options.
- d. award on the basis of best bid for Surgical Imaging Specialists, Inc. for mobile C-arm system in the amount of \$216,144.00.
- e. first of four renewal options for Hollister Incorporated for patient bowel management systems in the estimated amount of \$265,434 for the term May 1, 2009 through April 30, 2010.
- f. first of four renewal options for Iron Mountain Record Management for off-site storage and maintenance of medical records, X-ray film and retrieval services in the estimated amount of \$1,605,240 for the term May 1, 2009 through April 30, 2010.

- g. first of two renewal options for Fresenius USA Marketing, Inc. for hemodialysis supplies in the estimated amount of \$250,000 for the term May 1, 2009 through April 30, 2010.
- h. renewal as an exception to the Hospital District Purchasing Manual bid requirements for Gulf Coast Regional Blood Center for blood products and components in the estimated amount of \$7,513,506 for the term June 1, 2009 through May 31, 2010.
- i. first and final renewal option for KCI, Inc. (PP-NS-438) for negative pressure wound therapy in the estimated amount of \$1,040,714 for the term June 1, 2009 through May 31, 2010.
- j. third of five renewal options for Abbott Laboratories, Inc. for hematology analyzers, automation, reagents, consumables and service in the estimated amount of \$243,491 for the term June 1, 2009 through May 31, 2010.
- k. fourth and final renewal option for Diamedix Corporation for fully automated microplate analyzer and reagents in the estimated amount of \$121,051 for the term June 1, 2009 through May 31, 2010.
- l. third of four renewal options for Lepow Podiatric Medical Association LLP for outsourcing of podiatry services in the estimated amount of \$588,092 for the term May 1, 2009 through April 30, 2010.
- m. first of four renewal options for Pyxis Corporation dba Cardinal Health, Inc. (PP-CE-383) for automated medication and supply distribution in the estimated amount of \$1,636,904 for the term March 1, 2009 through February 28, 2010.
- n. awards on the basis of best bid by class for PharMedium Services, LLC (\$220,978 estimated) and Unique Pharmaceuticals, Ltd. (\$427,191 estimated) for sterile admixing pharmaceuticals in the multi-vendor estimated amount of \$648,169 for the term May 1, 2009 through February 28, 2010 with two one-year renewal options.
- o. purchase on the basis of sole source of upgrade of the transfer switch units from ASCO Services in the amount of \$149,076.00
- p. purchase on the basis of sole source of VERSAJET hydrosurgery system from Smith & Nephew, Inc. Wound Management Division in the amount of \$113,400.00
- q. award on the basis of sole source for CA, Inc. for software license and maintenance for thirteen software programs in the amount of \$284,733 for the term April 30, 2009 through April 29, 2010.
- r. purchase on the basis of sole source for EpiCare Inpatient – ICU module from Epic Systems Corporation in the amount of \$233,600.00.

- s. award on the basis of sole source for Alert Logic, Inc. for maintenance for threat manager and active watch service in the amount of \$228,000 for the term June 1, 2009 through May 31, 2010.
- t. additional funds for Olympus America Inc. for endoscopy products and equipment in the amount of \$289,507 for the term May 1, 2009 – April 30, 2010. (The Board previously approved funds in the amount of \$1,324,600; these additional funds bring the total funded amount to \$1,614,107).
- u. additional funds and extensions for CTG Healthcare Solutions, Elite Computer Consultants, L.P. (ECOM) and IBM for information technology consulting for the multi-vendor amounts of \$1,162,240 for the term May 27, 2009 through August 31, 2009 and \$426,000 additional funds for the term May 27, 2008 through May 26, 2009. (The Board previously approved multi-vendor funds in the amount of \$7,989,996; these additional funds bring the total multi-vendor amount to \$9,578,236).
- v. additional funds and an extension for Abbott Diagnostics, Inc. through Cardinal Health for blood glucose meters, reagents, training and service in the amount of \$266,043 for the term May 1, 2009 through October 31, 2009. (The Board previously approved funds in the amount of \$1,064,172 for the term April 14, 2007 through April 30, 2009; these additional funds bring the total funded amount to \$1,330,215).
- w. corrected term and funding for the second year of a five-year agreement for Xerox Corporation (PP-IT-211) for printers, copiers, facsimiles and facilities management in the estimated amount of \$270,157 for the term July 1, 2009 through June 30, 2010 (corrected). (Term April 1, 2008 through December 31, 2009 (as awarded)).
- x. additional funds for Siemens Healthcare Diagnostics, Inc. (fka Siemens Medical Solutions) for PCR/Genotyping and GC/Chlamydia testing in the amount of \$77,642 for the term May 1, 2009 through April 30, 2010. (The Board previously approved funds in the amount of \$32,968 for the term May 1, 2009 through April 30, 2010).
- y. corrected term for year one and funding for year two of a five-year agreement for Radiometer America, Inc. (PP-LA-163) for blood gas analyzers in the estimated amount of \$158,796 for the corrected term of June 1, 2009 through May 30, 2010. (Original term April 16, 2007 through April 15, 2008 corrected to June 1, 2008 through May 30, 2009).
- z. award for SimplexGrinnell (TXMAS-5-03FAC010-1) for maintenance and services for fire alarm systems in the estimated amount of \$198,908 for the term March 1, 2009 through February 28, 2010.
- aa. purchase of IBM data storage and equipment for tape library upgrade from DIR through Mark III Systems Incorporated (DIR-SDD-256) in the amount of \$229,231.00.

- bb. purchase of Fujitsu fi-6130 scanners from DIR through Dell Marketing in the amount of \$213,855.00.
- cc. purchase of PeopleSoft e-Performance software licenses and support from DIR through Oracle USA, Inc. (DIR-VPC-03-018) in the amount of \$206,784.00.
- dd. award for Cardinal Health Medical Products and Services for suction canisters, yankauers and tubing in the estimated amount of \$194,174 for the term June 1, 2009 through May 31, 2010.
- ee. utilization of County contract for Petroleum Wholesale, Inc. for diesel fuel and related items in the estimated amount of \$214,000 for the term July 1, 2009 through June 30, 2010.
- ff. ratify the first of four renewal options for Gowan, Inc. for HVAC equipment maintenance services in the estimated amount of \$562,200 for the term November 1, 2008 through October 31, 2009.
- gg. ratify award for DJO LLC for cervical collars in the estimated amount of \$107,416 for the term April 1, 2009 through March 31, 2010.
- hh. ratify additional funds for Elite Computer Consultants, L.P. (ECOM) for information technology consulting in the amount of \$140,000 for the term May 27, 2008 through May 26, 2009. (The Board previously approved funds in the amount of \$7,989,996 for the term May 27, 2008 through May 26, 2009; these additional funds bring the total funded amount to \$8,129,996).
- ii. ratify fourth and final renewal option for Underwriters at Lloyd's London through John L. Wortham & Son, L.P. for all risk property insurance in the estimated amount of \$2,681,555 for the term April 1, 2009 through April 1, 2010.
- jj. ratify funding for year two of a three-year agreement for The Standard Register Company (PP-MM-015) for forms and related products in the estimated amount of \$868,730 for the term April 1, 2009 through March 31, 2010.
- kk. ratify additional funds and an extension as an exception to the Hospital District bid requirements for Emdeon Business Services (formerly Medifax-EDI[®], LLC) for patient insurance verification software tool (Patient eligibility verification and pre-registration system) in the amount of \$138,000 for the extended term of February 11, 2009 through August 31, 2009 subject to execution of the amendment to the agreement. (The Board previously approved funds in the amount of \$276,000 for the term February 11, 2008 through February 10, 2009).
- ll. ratify additional funds for Allecia A. Harley, Eliana Romero, Trent Haines, Jeff Budde and Michael Kasubski through Huron Consulting Services LLC for evaluation of third party liability billing processes in the amount of \$150,000 for the term March 2, 2009 through June 30, 2009. (The Board

previously approved funds in the amount \$100,000 for the term March 2, 2009 through June 30, 2009; these additional funds bring the total funded amount to \$250,000).

- mm. ratify an award on the basis of best overall contracts for Molnlycke Health Care in the amount of \$131,626; Smith & Nephew Inc Wound Management Division in the amount of \$61,133; 3M Company in the amount of \$13,574; ConvaTec Inc. in the amount of \$2,329; and Medline Industries Inc. in the amount of \$1,789 for an estimated total amount of \$210,451 for the term April 1, 2009 through March 31, 2010.
 - nn. ratify an exemption from the competitive bid requirements and the first of two renewal options for Baylor College of Medicine to provide medical and related services for a teen clinic located within the boundaries of Harris County, Precinct One in the amount of \$150,000 for the term April 5, 2009 through April 4, 2010.
 - oo. ratify an exemption from the competitive bid requirements and the first of two renewal options for Baylor College of Medicine to provide medical and related services for a teen clinic located within the boundaries of Harris County, Precinct Two in the amount of \$150,000 for the term April 14, 2009 through April 13, 2010.
- A(2). Transmittal of Completed Items: **(For Informational Purposes Only)**
- a. Transmittal of exemption from the competitive requirements for Baylor College of Medicine for physician services for the Employee Health Clinics in the amount of \$68,000 for the term May 15, 2009 through May 14, 2010 with two one-year renewal options subject to execution of the agreement.
 - b. Transmittal of an exemption from the competitive bid requirements for Allecia A. Harley and Eliana Romero through Huron Consulting Services LLC for evaluation of third party liability billing processes in the amount of \$100,000 for the term March 2, 2009 through June 30, 2009.
 - c. Transmittal of an award for DIR through Language Line Services (DIR-SDD-480) for over the phone language interpretation services in the estimated amount of \$45,000 for the term October 10, 2008 through October 10, 2009.
 - d. Transmittal of a purchase of Cisco equipment and maintenance from DIR through NWN Corporation in the amount of \$43,213.00.
 - e. Transmittal of purchase of office furniture for Kirby Nursing Support Services from Corporate Express in the amount of \$25,116.00.
 - f. Transmittal of purchase on the basis of sole source from McKesson Automation, Inc. to re-locate MedCarousel pharmacy units (2 ea.) within Lyndon B. Johnson General Hospital in the amount of \$55,544.00.

- g. Transmittal of purchase on the basis of sole source for Digi-Trax™ HemaTrax ISBT software licenses, maintenance and hardware from Sunquest Information Systems, Inc. in the amount of \$41,910.00.
- h. Transmittal of the first of four renewal options for Tejas Office Products, Inc. for computer paper in the estimated amount of \$25,000 for the term June 1, 2009 through May 31, 2010.
- i. Transmittal of the first of four renewal options for Travelers Lloyd's Insurance Company through John L. Wortham & Son, L.P. in the estimated amount of \$27,379 for the term April 1, 2009 through April 1, 2010.
- j. Transmittal of the third of four renewal options for Acceletronics, Inc. for preventive maintenance and repair services for the Linear accelerator in the estimated amount of \$56,000 for the term May 1, 2009 through April 30, 2010.
- k. Transmittal of award on the basis of low bid meeting specifications for Sign Shares for interpreter services for hearing impaired persons in the amount of \$80,000 for the term April 1, 2009 through March 31, 2010 with two one-year renewal options.
- l. Transmittal of a purchase on the basis of lowest priced contract for electronic thermometry (71 ea.) from Midwest Medical Supply Company through Welch Allyn Inc. in the amount of \$56,058.00.
- m. Transmittal of award on the basis of lowest priced contract for 3M Company for casting and splinting products in the estimated amount of \$71,133 for the term May 1, 2009 through October 31, 2010.
- n. Transmittal of a purchase on the basis of lowest priced contract for computed radiography (CR) reader from Fujifilm Medical Systems USA, Inc. in the amount of \$66,709.00.
- o. Transmittal of exemption from the competitive bid requirements for King & Spalding LLP for legal services regarding Medicaid Graduate Medical Education (GME) Program payments in the amount of \$50,000 for the term January 5, 2009 through January 4, 2010.
- p. Transmittal of award on the basis of only bid received for Cardinal Health for sedimentation (SED) rate analyzers, reagents, consumables and service in the estimated amount of \$30,418 for the term May 1, 2009 through April 30, 2010 with three one-year renewal options.
- q. Transmittal rescinding an award for purchase of computed radiography reader from Philips Medical Systems N.A. (PP-IM-102) in the amount of \$56,279.00.

B. Consideration to Accept March 2009 Financial Report Subject to Audit

Moved to Agenda Item V. B.

- C. Consideration to Accept the March 2009 Pension Plan Report Subject to Audit.
Moved to Agenda Item V. B.
- D. Consideration for Approval of Fiscal 2009 Strategic Capital Projects Funding.
Moved to Agenda Item V. B.
- E. ratification of a Facilities Use Agreement between the Harris County Hospital District and Harris County Public Health and Environmental Services (HCPHES) to provide HIV prevention education to eligible HIV-infected individuals at Thomas Street Health Center at no cost to the District for the term March 1, 2009 through February 28, 2010.
- F. ratification of a Facilities Use Agreement between the Harris County Hospital District and AIDS Foundation of Houston (AFH) to provide child monitoring services to eligible HIV-infected individuals at Thomas Street Health Center at no cost to the District for the term March 1, 2009 through February 28, 2010.
- G. ratification of a Facilities Use Agreement between the Harris County Hospital District and Houston Volunteer Lawyers to provide legal consultation to eligible HIV-infected individuals at Thomas Street Health Center at no cost to the District for the term March 1, 2009 through February 28, 2010.
- H. ratification of an Agreement between the Harris County Hospital District and Harris County funded under Ryan White Modernization Act Part A in the amount of \$180,727 to provide medical care to eligible HIV-infected females at District facilities for the term March 1, 2009 through February 28, 2010.
- I. ratification of an Amended Agreement between the Harris County Hospital District and Harris County funded under Ryan White CARE Act Special Project of National Significance in the amount of \$20,285 to provide outreach, care and prevention to eligible HIV seropositive young minority men at District facilities for the term September 1, 2008 through August 31, 2009.
- J. ratification of an Agreement between the Harris County Hospital District and Harris County funded under Ryan White Modernization Act Part A in the amount of \$1,586,865 to provide primary care and home health care services to eligible HIV-infected individuals at District facilities for the term March 1, 2009 through February 28, 2010.
- K. ratification of an Agreement between the Harris County Hospital District and Harris County funded under Ryan White Modernization Act Part A in the amount of \$255,480 to provide medical case management services to eligible HIV-infected individuals at District facilities for the term March 1, 2009 through February 28, 2010.
- L. ratification of an Agreement between the Harris County Hospital District and Harmony House for a not to exceed amount of \$110,000 to provide on-site health care services to homeless individuals for the term April 1, 2009 through March 31, 2010.

- M. approval of an Agreement between the Harris County Hospital District and Harmony House Respite Center for the Homeless to provide on-site health care services to homeless individuals at no cost to the District for the term May 1, 2009 through October 31, 2009.
- N. approval of an Agreement between the Harris County Hospital District and Jackson Hinds Garden to provide on-site health care services to homeless individuals at no cost to the District for the term May 1, 2009 through October 31, 2009.
- O. approval of an Agreement between the Harris County Hospital District and Howard Nelson in the not to exceed amount of \$15,000 in federal grant funds to provide data management services for the Health Care for the Homeless Program for the term May 1, 2009 through October 31, 2009.
- P. approval of an Agreement between the Harris County Hospital District and Craven and Plummer, P.C. in the not to exceed amount of \$81,700 in federal grant funds to provide on-site dental services to homeless individuals for the term May 1, 2009 through October 31, 2009.
- Q. approval of an Agreement between the Harris County Hospital District and Houston Catholic Worker – Casa Juan Diego – Centro San Jose Obrero to provide on-site health care services to homeless individuals at no cost to the District for the term May 1, 2009 through October 31, 2009.
- R. approval of an Agreement between the Harris County Hospital District and Baylor College of Medicine, Department of Family and Community Medicine in the not to exceed amount of \$7,304.50 in federal grant funds to provide on-site psychiatric services to homeless individuals for the term May 1, 2009 through October 31, 2009.
- S. approval of an Agreement between the Harris County Hospital District and The Cenikor Foundation, Inc. in the not to exceed amount of \$41,892 in federal grant funds to provide substance abuse treatment and on-site health services to homeless individuals for the term May 1, 2009 through October 31, 2009.
- T. approval of an Agreement between the Harris County Hospital District and Baylor College of Medicine, Department of Family and Community Medicine in the not to exceed amount of \$70,313.50 in federal grant funds to provide on-site medical services to homeless individuals for the term May 1, 2009 through October 31, 2009.
- U. approval of an Agreement between the Harris County Hospital District and Salvation Army – Adult Rehabilitation Center to provide on-site registration services to homeless individuals at no cost to the District for the term May 1, 2009 through October 31, 2009.
- V. approval of an Agreement between the Harris County Hospital District and S.E.A.R.C.H. to provide on-site eligibility registration services to homeless individuals at no cost to the District for the term May 1, 2009 through October 31, 2009.

- W. approval of an Agreement between the Harris County Hospital District and Star of Hope to provide on-site health care services to homeless individuals at no cost to the District for the term May 1, 2009 through October 31, 2009.
- X. approval of an Agreement between the Harris County Hospital District and Lord of the Streets Episcopal Church in the not to exceed amount of \$66,200 to provide on-site health care services to homeless individuals for the term May 1, 2009 through April 30, 2010.
- Y. approval of an Agreement between the Harris County Hospital District and Compass to provide on-site eligibility registration services to homeless individuals at no cost to the District for the term May 1, 2009 through October 31, 2009.
- Z. approval of an Agreement between the Harris County Hospital District and Salvation Army to provide on-site eligibility registration services to homeless individuals at no cost to the District for the term May 1, 2009 through October 31, 2009.
- AA. approval of a Facilities Use Agreement between the Harris County Hospital District and Legacy Community Health Services to provide group-level intervention to eligible HIV-infected individuals at Thomas Street Health Center at no cost to the District for the term May 1, 2009 through April 30, 2010.
- BB. acceptance of the Notice of Grant Award from the Health Resources and Services Administration Division of the U.S. Department of Health and Human Services to the Harris County Hospital District in the not to exceed amount of \$1,358,786 in federal grant funds to provide health care to homeless individuals at homeless shelter sites for the term May 1, 2009 through October 31, 2009.
- CC. approval of Acceptance of the Advisory Health Council Bylaws.
- DD. ratification of the First Amendment to the Harris County Hospital District 401K Plan effective January 1, 2009.
- EE. ratification of the Second Amendment to the Harris County Hospital District Nationwide Retirement Solutions, Inc. Deferred Compensation (457b) Plan for Public Employees effective January 1, 2009.
- FF. ratification of the First Amendment to the Harris County Hospital District Pension Plan effective January 1, 2009.
- GG. approval of an amendment to expand the current scope of services for the existing Architectural/Engineering Agreement between the Harris County Hospital District and P&W Architects, LLP in the amount of \$50,050 to include design services and construction documentation for the OR Expansion and Smoke Exhaust Project at Lyndon B. Johnson General Hospital.
- HH. acceptance of the Guaranteed Maximum Price (GMP) for the construction services of the LBJ General Hospital's EC Expansion/Phase 2 Expansion and Renovation Project from Skanska USA Building, Inc. the Construction Manager at Risk (CMAR) Contractor in the amount of \$22,577,883 and an owner's construction contingency of \$800,000 for a total not to exceed amount of \$23,377,883.00.

- II. award the contract for the Lyndon B. Johnson General Hospital OR Smoke Exhaust Project Floor 3 for construction services to Bey Commercial Construction based on their best bid of \$341,371 and an owner's contingency of \$30,000.00.
- JJ. rescind BOM# 08.2-166 authorizing the Hospital District to enter into an agreement with Wilson Architectural Group for Architectural Services and ESPA (Engineering, Scientist, Planners & Architect) CORP. (Corporation) for design services associated with the construction of the specialty clinic building at Lyndon B. Johnson General Hospital at a total not to exceed cost of \$3,042,830 and approval to amend the agreement for additional services to include a connector from the existing LBJ General Hospital and the proposed Westland Specialty Clinic for an additional cost of \$303,725.00.

V. Reports of the Committees

A. Joint Conference Committee

Dr. Peter Doyle presented the credentialing changes or members of the HCHD medical staff. Questions were raised regarding one of the physician's details and the physicians for El Franco Lee. A copy of the report is available in the permanent record.

1. Motion 09.4-40

Moved by Dr. Santos, seconded by Dr. Varadhachary, and unanimously passed, that the Board approve the credentialing changes for members of the HCHD Medical Staff.

Dr. Peter Doyle presented the Medical Board Report, stating that Dr. Amy Young is now Chief of OB/GYN at BTGH. A copy of the report is available in the permanent record.

2. Motion 09.4-41

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

The changes to the Medical Staff Bylaws were presented. Ms. Truesdell stated that she had a few changes she would like made, but it should not impact approval. A copy is available in the permanent record.

3. Motion 09.4-42

Moved by Dr. Santos, seconded by Ms. Stiner, and unanimously passed, that the Board approve the recommended changes to the Medical Staff Bylaws.

Dr. Doyle presented the changes to the Medical Staff Rules & Regulations. A copy is available in the permanent record.

4. Motion 09.4-43

Moved by Dr. Santos, seconded by Mr. Franklin, and unanimously passed, that the Board approve the recommended changes to the Medical Staff Rules & Regulations.

B. Budget and Finance Committee

1. Motion 09.4-44

Moved by Mr. Franklin, seconded by Ms. Spinks, and unanimously passed, that the Board accept the March 2009 Financial Report subject to final audit.

Dr. Santos was not present when this vote was taken. A copy of the report is available in the permanent.

2. Motion 09.4-45

Moved by Mr. Franklin, seconded by Ms. Stiner, and unanimously passed, that the Board accept the March 2009 Pension Plan Report subject to audit.

Dr. Santos was not present when this vote was taken. A copy of the report is available in the permanent file.

3. Motion 09.4-46

Moved by Mr. Franklin, seconded by Ms. Spinks, and unanimously passed, that the Board approve funding of FY2009 Strategic Capital projects as to bond proceeds and use of Board designated funds for future expansion as identified:

Recap: Strategic Capital Projects – Bond Funded		
Project	Project Description	Total
0000123	Alief Clinic	\$17,108,212
0000150	LBJ EC Expansion	3,702,601
0000155	HH Radiation/Diagnostic Ctr	4,525,401
0000157	MLK Community Health Ctr	16,358,199
0000179	LBJ Specialty Clinics	3,042,830
	TOTAL	\$44,737,252
Recap: Strategic Capital Projects – Board Designated		
000015	Q Mease Physical Therapy	\$134,000
0000138	BT – Old Building	\$3,331,000

Mr. Ken Janda presented the CHC Financial Report. A copy is available in the permanent record.

4. Presentation of March 2009 Financial Statements of Community Health Choice, Inc.

C. Legislative Committee

Mr. King Hillier presented the Legislative Committee Report.

1. Update, discussion and possible action regarding activities in Austin relating to regulatory issues impacting HCHD, the 80th Legislative Session and the HCHD legislative platform
2. Update, discussion and possible action regarding pending federal legislative, line items and policy issues affecting HCHD

Mr. Hillier stated that there are 30 days left in the session. Things are good in terms of Medicaid funds and UPL and the Legislature is looking at making one more attempt at getting an additional \$100 million from the trauma fund. Another issue is the \$75 million to increase nurse faculty in the state.

He stated that he is working with Ms. Schneider and the comptroller's office on receiving economic stimulus funds. This is for the purpose of health information technology, in the potential amount of \$13-\$16 million. Mr. Lopez commended Mr. Hillier for the work he does, stating that it is always a pleasure to work with him.

VI. Miscellaneous Agenda Items

A. Motion 09.4-47

Moved by Mr. Wortham, seconded by Mr. Franklin, and unanimously passed, that the Board ratify an agreement between the Harris County Hospital District and Texas Medical Center, Inc. for parking for 1,800 employees and medical staff at La Lot and Ac Lot on the Leland Anderson Campus and the South Extension Lot at 1522 Braeswood at a cost of \$60.50 per month up to a maximum of 1,800 parkers per month for a total annual cost not to exceed \$1,306,800 for the period January 1, 2009 through December 31, 2009.

B. Motion 09.4-48

Moved by Mr. Franklin, seconded by Ms. Spinks, and unanimously passed, that the Board approve an agreement between the Harris County Hospital District and Stardent, Division of Oraquest Dental Plans as part of the DMIE benefit. for the period May 1, 2009 through September 30, 2009. (All HCHD costs will be reimbursed through federal grant funding.)

VII. President/Chief Executive Officer's Report to Include: 1) Balanced Scorecard, 2) Leadership Institute, 3) Pediatrics, and 4) The Swine Flu Outbreak

Balanced Scorecard

Mr. Lopez presented the remainder of the President/Chief Executive Officer's Report: 1) Balanced Scorecard and 2) Leadership Institute. Mr. Lopez tabled the balanced scorecard until the May meeting.

The Leadership Institute

Ms. Gretchen Gemeinhardt, Director of the HCHD Leadership Institute, stated that they are working to support the Senior Leadership this year. Quarterly forums have been held since 2006 with a 1-hour long presentation by a keynote speaker. Mr. Lopez stated that the Leadership Institute is very important to long term, critical development. Discussion ensued regarding the fellowship program run by the Leadership Institute. A copy of the report is available in the permanent record.

Swine Flu Outbreak – Continued

Dr. Herminia Palacio from Harris County Public Health and Environmental Services reported on the Swine Flu Outbreak. There was a federal declaration of emergency last week. She stated that Harris County is working with federal and state partners on this issue. The Hospital District, MHMRA, BCM, and UT have posted guidelines on their Web sites.

VIII. Executive Session

At 11:19 A.M., Mr. DonCarlos stated that the Board would go into Executive Session under Section 161.032 of the Texas Health & Safety Code, and Section 160.007 of the Tex. Occupations 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 12:33 p.m., Mr. DonCarlos reconvened the meeting and stated that no action was taken in Executive Session.

- A. Consultation with the County Attorney regarding Cause No. 816,923; *Harris County Hospital District v. TexTac Partners I, et al*; In the County Civil Court at Law No. 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 an EEOC Claim filed by Gloria Leonard, pursuant to Tex. Gov't Code Ann. §551.071 and Possible Action Regarding this Matter Upon Return to Open Session

Motion 09.4-49

Moved by Ms. Truesdell, seconded by Mr. Wortham, and unanimously passed, that the Harris County Hospital District, by and through its Board of Managers, approve the settlement related to an EEOC claim filed by Gloria Leonard, by payment of the total sum of \$28,866 and authorize the President/CEO on behalf of the District to execute any agreement, release or other necessary documents to effect this settlement.

Ms. Spinks departed the meeting prior to this vote.

- C. Consultation with the County Attorney regarding Cause No. 2008-20216; *Rebecca J. Young v. Harris County Hospital District*; In the 157th 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 09.4-50

Moved by Mr. Wortham, seconded by Ms. Stiner, and passed, that the Harris County Hospital District, by and through its Board of Managers, approve the settlement related to Cause No. 2008-20216; *Rebecca J. Young v. Harris County Hospital District*; In the 157th Judicial District Court of Harris County, Texas, by payment of the total sum of \$35,000 and authorize the President/CEO on behalf of the District to execute any agreement, release of other necessary documents to effect this settlement.

Motion passed, with Ms. Truesdell recusing herself and Ms. Spinks having departed the meeting prior to this vote.

- D. Consultation with the County Attorney regarding Cause No. 2007-50424; *Brenda Hines v. Harris County Hospital District*; In the 151st 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 09.4-51

Moved by Ms. Truesdell, Seconded by Mr. Franklin, and unanimously passed, that the Harris County Hospital District, by and through its Board of Managers, approve the settlement related to Cause No. 2007-50424; *Brenda Hines v. Harris County Hospital District*; In the 151st Judicial District Court of Harris County, Texas, by payment of the total sum of \$25,000 and authorize the President/CEO on behalf of the District to execute any agreement, release or other necessary documents to effect this settlement.

Ms. Spinks departed the meeting prior to this vote.

- E. Consultation with the County Attorney regarding a Possible Lawsuit against John H. Risley, P.C. for Nonpayment of His Installment Promissory Note executed on June 1, 2005 in the Amount of \$35,000.00, pursuant to Tex Gov't Code Ann. §551.071 and Possible Action Regarding this Matter Upon Return to Open Session

Motion 09.4-52

Moved by Ms. Truesdell, seconded by Mr. Franklin, and unanimously passed, that the Harris County Hospital District, by and through its Board of Managers, approve the recommendation of the County Attorney and hereby authorize the filing of a lawsuit against John H. Risley, P.C. to collect the amount of the unpaid Promissory Note in the amount of \$31,500 and authorize the President/CEO on behalf of the District to execute any necessary documents to effect this collection.

Ms. Spinks departed the meeting prior to this vote.

- F. Consultation with the County Attorney regarding the Texas Public Hospitals for Medicaid Graduate Medical Education Coalition Reimbursement Initiative and Work Plan, pursuant to Tex Gov't Code Ann. §551.071 and Possible Action Regarding this Matter upon Return to Open Session

Motion 09.4-53

Moved by Ms. Truesdell, seconded by Ms. Stiner, and unanimously passed, that on January 29, 2009, the Harris County Hospital District, by and through its Board of

Managers, previously authorized the President/CEO on behalf of the District to pursue any legal remedies available to the District regarding the formula used to calculate and pay the District Medicaid GME funds for the support of graduate medical education during State fiscal years 1998 through 2003, including if necessary filing legal action against the Texas Health and Human Services Commission ("HHSC") and its predecessors.

On behalf of the Harris County Hospital District, the Board of Managers further authorize the President/CEO to do the following: (1) to enter into a compromise and settlement agreement with HHSC, if recommended by legal counsel, (2) submit an intergovernmental transfer to HHSC to effectuate such settlement, and/or (3) challenge any Centers for Medicare and Medicaid Services deferral or denial of HHSC's claim for federal financial participation relating to such Medicaid GME payments.

Ms. Spinks departed the meeting prior to this vote.

- G. Report by the Chief Medical Officer regarding Quality of Medical and Health Care, pursuant to Tex. Health & Safety Code Ann. §161.032 and Tex. Occupations Code Ann. §160.077 to Receive Peer Review and/or Medical Committee Report in Connection with the Evaluation of the Quality of Medical and Health Care Services

No action taken.

- H. Report by 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 Section 161.032 of the Texas Health & Safety Code

No action taken.

X. Adjournment

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

There being no further business, the meeting adjourned at 12:37 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 April 30, 2009.

Mr. Stephen DonCarlos, Chair
Board of Managers

Mr. E. Dale Wortham, Secretary

Recorded by Christie Reno &
Anne McCowan