



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

Thursday, September 29, 2011

Board Room – Administration Building

BOARD MEMBERS PRESENT

Mr. Stephen DonCarlos, Chair
Ms. Carolyn Truesdell, Vice Chair
Mr. E. Dale Wortham, Secretary
Dr. George Santos (9:12 a.m. arrival)
Mr. Elvin Franklin, Jr.
Dr. Atul Varadhachary
Ms. Mary Spinks
Ms. Daisy Stiner

BOARD MEMBERS ABSENT

Mr. Lawrence Finder

OTHERS PRESENT

Mr. David Lopez, President & Chief Executive Officer
Mr. George Masi, Chief Operating Officer
Mr. Kelly Johnson, Harris County Purchasing Agent
Ms. Vivian Groce, Harris County Assistant Purchasing Agent
Mercedes Leal, County Attorney's Office
Dr. Matthew Wall, Chairman, Medical Executive Board
Ms. Peggy Boice, Judge Ed Emmett's Office
Mr. Mark Fury, Commissioner Steve Radack's Office
Ms. Elizabeth Neal, Commissioner Jerry Eversole'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 9:02 a.m. and noted that a quorum was present. The attendance was recorded.

II. Approval of Minutes of Previous Meetings

Motion 11.9-110

Moved by Mr. Wortham, seconded by Ms. Truesdell, and unanimously passed, that the Board approve the minutes of the August 25, 2011 Board of Managers Meeting.

III. Hear from Citizens

See Agenda item VII. 1 & 2.

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

Motion 11.9-114

Moved by Dr. Santos, seconded by Mr. Franklin, and unanimously passed, that the Board approve items V.A1a to V.A1aa. Agenda item A2a. was pulled.

A. Items related to Purchasing

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

- a. approve the third of four renewal options for Hernandez Landscape Company for grounds maintenance in the estimated amount of \$210,155 for the term November 1, 2011 through October 31, 2012.
- b. ratify the first of four renewal options for Infinity Systems, Inc. for HVAC equipment maintenance and repair services in the estimated amount of \$499,128 for the term September 10, 2011 through September 9, 2012.
- c. award on the basis of best proposal meeting requirements for American Art Resources for healing environment art consulting services in the estimated amount of \$98,475 for a one-year initial term with four one-year renewal options.
- d. approve additional funds and an extension for Stericycle, Inc. for medical waste disposal in the additional amount of \$203,810 for the extended term October 1, 2011 through December 31, 2011 (Board previously approved funds in the amount of \$767,583 for the term October 1, 2010 through September 30, 2011).
- e. approve the second of three renewal options for Aon Investment Consulting, Inc. for investment consultant services for 401(k) Plan, 457(b) Plan and Pension Plan in the estimated amount of \$224,910 for the term October 1, 2011 through September 30, 2012.

- f. award on the basis of best proposal meeting requirements for Alliant Insurance Services, Inc. for human resources consulting services in the estimated amount of \$227,000 for a one-year initial term with four one-year renewal options.
- g. award on the basis of lowest priced proposal meeting requirements for Discovery Benefits for group flexible spending accounts for healthcare and dependent care in the estimated amount of \$38,928 for the term March 1, 2012 through February 28, 2013 with four one-year renewal options.
- h. award on the basis of lowest priced proposal meeting requirements for Discovery Benefits for COBRA/HIPAA Administration Services in the estimated amount of \$3,320 for the term March 1, 2012 through February 28, 2013 with four one-year renewal options.
- i. award on the basis of lowest priced proposal meeting requirements for MHN Services for group employee assistance program in the estimated amount of \$141,472 for the term March 1, 2012 through February 28, 2013 with four one-year renewal options.
- j. award on the basis of best proposal meeting requirements for InformedRX – Pharmacy Benefit Manager Services and CIGNA Health & Life Insurance Company – Medical Benefits and Stop Loss Coverage for pharmacy benefit manager services and medical (including disease management and wellness programs) and stop loss in the multi-vendor estimated amount of \$13,224,634 (InformedRX - \$7,068,267; CIGNA - \$6,156,367) for the term March 1, 2012 through February 28, 2013 with four one-year renewal options.
- k. additional funds for International Business Machines Corporation (IBM) (DIR-SDD-953) for IBM enterprise wide hardware and software maintenance in the additional amount of \$83,261 for the initial one-year term (Board previously approved funds in the amount of \$237,597 for the initial one-year term).
- l. renewal of award on the basis of sole source for FujiFilm Medical Systems USA, Inc. for license and maintenance services for Picture Archiving and Communication System (PACS) in the estimated amount of \$462,720 for the term November 1, 2011 through October 31, 2012.
- m. renewal of an award on the basis of sole source for Sunquest Information Systems, Inc. for license, maintenance and support for the Sunquest Laboratory™ and CoPath Plus™ software

systems in the estimated amount of \$411,066 for the term October 1, 2011 through September 30, 2012.

- n. renewal of an award on the basis of sole source for 3M Health Information Systems, Inc. for 3M software license and maintenance in the estimated amount of \$342,083 for the term October 28, 2011 through October 27, 2012.
- o. ratify a purchase on the basis of sole source from Texas Medical Center of Texas Medical Center parking for employees and medical staff in the estimated amount of \$900,000 for the term January 1, 2012 through December 31, 2012.
- p. ratify a purchase as an exception to the Harris County Hospital District Purchasing Manual from UniFirst Holding LP for mop and floor mat cleaning and rental services in the amount of \$149,774 for the term January 1, 2011 through December 31, 2011.
- q. ratify a purchase as an exception to the Harris County Hospital District Purchasing Manual from ECOLab Inc. for janitorial cleaning supplies in the amount of \$99,000 for the term January 1, 2011 through December 31, 2011.
- r. approve the first of four renewal options for Iron Mountain Information Management, Inc. for off-site storage and retrieval services of financial and assorted business records in the estimated amount of \$121,982 for the term October 1, 2011 through September 30, 2012.
- s. ratify a purchase on the basis of single source contract from Kimberly-Clark Corporation for sterilization wrap in the estimated amount of \$100,760 for the term September 1, 2011 through August 31, 2012.
- t. ratify funding on the basis of product standardization for Becton Dickinson and Company (PP-NS-535) for blunt cannula access devices in the estimated amount of \$336,951 for the term May 1, 2011 through April 30, 2012.
- u. award on the basis of lowest priced contract for Cardinal Health 200 LLC (Option B) for exam gloves in the estimated amount of \$1,170,354 for the term October 1, 2011 through September 30, 2012.
- v. ratify funding for the fourth year of a five-year agreement for Siemens Healthcare Diagnostics Inc. (PP-LA-217) for automated microbial identification and susceptibility analyzers in the

estimated amount of \$100,722 for the term September 27, 2011 through September 26, 2012.

- w. approve additional funds for IRIS Diagnostics (PP-LA-269) for urinalysis analyzers, reagents, consumables and service in the amount of \$37,000 for the initial term (previously approved funds in the amount of \$177,494 for the initial term).
- x. approve additional funds for US Med-Equip for rental of various patient care peak use equipment and services in the estimated amount of \$122,942 for the term August 19, 2011 through August 18, 2012 (Board previously approved funds in the amount of \$50,155 for the term August 12, 2011 through August 18, 2012).
- y. approve funding on the basis of produce standardization for Becton Dickinson and Company (PP-LA-246) - \$121,563 and Greiner Vacuette North America, Inc. (PP-LA-247) - \$145,835 for a multi-vendor estimated amount of \$267,398 for the term October 1, 2011 through September 30, 2012.
- z. award on the basis of best proposal meeting requirements for Ethicon, Inc. (\$193,693 – Items 10-32) and Davol, Inc. (\$17,647 – Items 1-9) for one year initial term with four one-year renewal options.
- aa. ratify additional funds for Maxim Health Information Services for temporary personnel to provide health information management coding and validation review services in the estimated amount of \$114,000 for the term August 1, 2010 through July 31, 2011 (Board previously approved funds in the amount of \$800,000 for the term August 1, 2010 through July 31, 2011).

A (2). Transmittals of Completed Items **(For Informational Purposes)**

- a. transmittal of exemption from the competitive bid requirements and the first of four renewal options for Pinnacle Health Facilities XV, L.P. d/b/a Briarwood Nursing and Rehabilitation for nursing home care for a patient of the Harris County Hospital District in the estimated amount of \$75,000 for the term September 1, 2011 through August 31, 2012. **(This item was pulled.)**
- b. transmittal of purchase on the basis of lowest priced contract for Smiths Medical, ASD, Inc. (PP-OR-669) for surgical implantable infusion ports in the estimated amount of \$97,680 for the term November 1, 2011 through October 31, 2012.
- c. transmittal of purchase on the basis of best contract for Cook Medical, Inc. for vena cava filters in the estimated amount of \$96,450 for the term August 1, 2011 through July 31, 2012.

- d. transmittal of exemption from the competitive bid requirements and renewal for Bryan, Pendleton, Swats 7 McAllister, LLC for actuarial services in the estimated amount of \$66,000 for the term October 1, 2011 through September 30, 2012.
- e. transmittal of the first of four renewal option for ChemTreat, Inc. for water treatment chemicals and services in the estimated amount of \$69,766 for the term October 19, 2011 through October 18, 2012.
- f. transmittal of award on the basis of best proposal meeting requirements for Advanced Technology & Diversified Products, Inc. (Option B) for recycling services in the estimated amount of \$9,200 for a one-year initial term with four one-year renewal options.
- g. transmittal of additional funds and an extension for Nutricia North America (\$50), Abbott Nutrition, a division of Abbott Laboratories (\$2,171), Mead Johnson & Company (\$4,080) and Nestle Healthcare Nutrition, Inc. (\$88,625) in the estimated multi-vendor amount of \$94,926 for the extended term of August 1, 2011 through November 30, 2011 (Board previously approved funds in the amount of \$255,962 for the term August 1, 2010 through July 31, 2011).
- h. transmittal of the first of four renewal options for Vericom Corporation for on-hold telecommunications message system in the estimated amount of \$85,525 for the term October 1, 2011 through September 30, 2012.
- i. transmittal of purchase on the basis of sole source for Oracle USA, Inc. for PeopleSoft software programs expansion in the estimated amount of \$99,835 for the term February 28, 2011 through February 27, 2012.
- j. transmittal of purchase on the basis of low quote for Mark III Systems Incorporated for IBM Tivoli storage software subscription and support in the amount of \$99,663 for the term August 1, 2011 through July 31, 2012.
- k. transmittal of renewal on the basis of sole source for FujiFilm Medical Systems USA, Inc. for licenses and maintenance services for cardiovascular system software in the estimated amount of \$95,224 for the term November 1, 2011 through October 31, 2012.

Motion 11.9-115

Moved by Mr. Franklin, seconded by Ms. Spinks, and passed, that the Board approve agenda item V.B.

B. Approval of Payment to the Texas Hospital Association for 2011-2012 membership dues in the amount of \$131,500.

V. Reports of the Committees

A. Joint Conference Committee

Dr. Matthew Wall presented the credentialing changes for members of the HCHD medical staff for September 2011. A copy of the report is available in the permanent record.

1. Motion 11.9-116

Moved by Dr. Varadhachary, seconded by Mr. Franklin, and unanimously passed, that the Board approve the September 2011 credentialing changes for members of the HCHD Medical Staff subject to changes as noted by Dr. Wall. (1. Katherine Browne Buchanan, MD: under Family & Community Medicine, p.2, delete “a physician’s assistant”; 2. Viet Hoang Nguyen, MD: under Family & Community Medicine, p.2, delete “a physician’s assistant”; and 3. James Myche Mainer Owens, Jr. MD, p.3, under Neurology, add 16 to children to age.)

Dr. Matthew Wall presented the Medical Board Report from the September Medical Executive Board meeting. A copy of the report is available in the permanent record.

2. Motion 11.9-117

Moved by Ms. Stiner, seconded by Mr. Franklin, and unanimously passed, that the Board accept the Medical Board Report as included in the packet

B. Budget and Finance Committee

Mr. Norby presented the August 2011 Financial Report. A copy of the report is available in the permanent record.

1. Motion 11.9-118

Moved by Dr. Varadhachary, seconded by Ms. Stiner, and unanimously passed, that the Board accept the August 2011 Financial Report subject to audit.

Mr. Norby presented the August 2011 Pension Plan Report. A copy of the report is available in the permanent record.

2. Motion 11.9-119

Moved by Mr. Franklin, seconded by Ms. Spinks, and unanimously passed, that the Board accept the August 2011 Pension Plan Report subject to audit.

3. Motion 11.9-120

Moved by Dr. Varadhachary, seconded by Mr. Franklin, and unanimously passed, that the Board accept the Second Quarter FY 2012 Investment Report subject to audit.

4. Motion 11.9-121

Moved by Mr. Franklin, seconded by Dr. Varadhachary, and unanimously passed, that the Board approve the third and final renewal option for Waste Management of Texas, Inc. for refuse removal in the estimated amount of \$268,600 for the term October 1, 2011 through September 30, 2012.

5. Presentation of the August 2011 Financial Statements of Community Health Choice, Inc.

Mr. Kenneth Janda presented the August 2011 Financial Statements of Community Health Choice, Inc. A copy of the report is available in the permanent record.

C. Planning and Operations Committee

Motion 11.9-122

Moved by Mr. Wortham, seconded by Dr. Varadhachary, and unanimously passed, that the Board approve agenda items V.C.1, 2, 14, 15 and 16.

Motion 11.9-123

Moved by Ms. Stiner, seconded by Dr. Santos, and unanimously passed, that the Board approve agenda items V.C. 3 –13.

1. Ratification of an Agreement between the Harris County Hospital District and Baylor College of Medicine and acceptance of funding in the not-to-exceed amount of \$11,000 for a Research Study to Improve Retention in HIV Care after Hospitalization for the term August 1, 2011 through May 31, 2012 and Rescission of Board Motion No. 11.7-85(N).
2. Ratification of an Agreement between the Harris County Hospital District and the Texas Department of State Health Services for Acceptance of Funding for Tuberculosis Prevention and Control in the not-to-exceed amount of \$35,000 for the term September 1, 2011 through August 31, 2012.

3. Approval of Continuation of an Agreement between the Harris County Hospital District and Compass to provide On-site Eligibility Services to Eligible Homeless Individuals for the term November 1, 2011 through October 31, 2012. Execution of this agreement is contingent upon receipt of our annual HRSA grant award to Harris County Hospital District Health Care for the Homeless Program.
4. Approval of Continuation of an Agreement between the Harris County Hospital District and The Salvation Army Adult Rehabilitation Center to provide On-site Health Care and Eligibility Services to Homeless Individuals of the Health Care for the Homeless Program for the term November 1, 2011 through October 31, 2012. Execution of this agreement is contingent upon receipt of our annual HRSA grant award to Harris County Hospital District Health Care for the Homeless Program.
5. Approval of Continuation of an Agreement between the Harris County Hospital District and Service of the Emergency Aid Resource Center for the Homeless (S.E.A.R.C.H.) to provide On-site Eligibility Services to Homeless Individuals for the term November 1, 2011 through October 31, 2012. Execution of this agreement is contingent upon receipt of our annual HRSA grant award to Harris County Hospital District Health Care for the Homeless Program.
6. Approval of Continuation of an Agreement between the Harris County Hospital District and Crossroads at Park Place to provide On-site Eligibility Services to Homeless Individuals for the term November 1, 2011 through October 31, 2012. Execution of this agreement is contingent upon receipt of our annual HRSA grant award to Harris County Hospital District Health Care for the Homeless Program.
7. Approval of Continuation of an Agreement between the Harris County Hospital District and Star of Hope Mission to provide On-site Health Care and Eligibility Services to Homeless Individuals of the Health Care for the Homeless Program for the term November 1, 2011 through October 31, 2012. Execution of this agreement is contingent upon receipt of our annual HRSA grant award to Harris County Hospital District Health Care for the Homeless Program.
8. Approval of Continuation of an Agreement between the Harris County Hospital District and The Houston Catholic Worker to provide On-site Health Care Services to Homeless Individuals of the Health Care for the Homeless Program for the term November 1, 2011 through October 31, 2012. Execution of this agreement is contingent upon receipt of our annual HRSA grant award to Harris County Hospital District Health Care for the Homeless Program.

9. Approval of Continuation of an Agreement between the Harris County Hospital District and Jackson Hinds Garden to provide On-site Health Care and Eligibility Services to Homeless Individuals of the Health Care for the Homeless Program for the term November 1, 2011 through October 31, 2012. Execution of this agreement is contingent upon receipt of our annual HRSA grant award to Harris County Hospital District Health Care for the Homeless Program.
10. Approval of Continuation of an Agreement between the Harris County Hospital District and The Salvation Army to provide On-site Health Care and Eligibility Services and Substance Abuse Treatment to Homeless Individuals of the Health Care for the Homeless Program in the not-to-exceed amount of \$41,191 for the term November 1, 2011 through October 31, 2012. Execution of this agreement is contingent upon receipt of our annual HRSA grant award to Harris County Hospital District Health Care for the Homeless Program.
11. Approval of Continuation of an Agreement between the Harris County Hospital District and Craven and Plummer, P.C. to provide On-site Oral Health Services to Homeless Individuals of the Health Care for the Homeless Program in the not-to-exceed amount of \$240,195 for the term November 1, 2011 through October 31, 2012. Execution of this agreement is contingent upon receipt of our annual HRSA grant award to Harris County Hospital District Health Care for the Homeless Program.
12. Approval of Continuation of an Agreement between the Harris County Hospital District and Open Door Mission to provide On-site Eligibility Services to Homeless Individuals for the term November 1, 2011 through October 31, 2012. Execution of this agreement is contingent upon receipt of our annual HRSA grant award to Harris County Hospital District Health Care for the Homeless Program.
13. Approval of Continuation of an Agreement between the Harris County Hospital District and Baylor College of Medicine Department of Psychiatry to provide Psychiatric Services to Homeless Individuals of the Health Care for the Homeless Program in the not-to-exceed amount of \$41,000 for the term November 1, 2011 through October 31, 2012. Execution of this agreement is contingent upon receipt of our annual HRSA grant award to Harris County Hospital District Health Care for the Homeless Program.
14. Ratification of an Agreement between the Harris County Hospital District and the Texas Department of State Health Services to provide Prenatal Services for Title V Eligible Patients and Acceptance of Grant Funding in an amount not-to-exceed \$86,650 for the term September 1, 2011 through August 31, 2012.

15. Ratification of an Agreement between the Harris County Hospital District and the Texas Department of State Health Services for the Ben Taub General Hospital Epilepsy Program and Acceptance of Grant Funding in an amount not-to-exceed \$103,955 for the term September 1, 2011 through August 31, 2012.
16. Ratification of an Agreement between the Harris County Hospital District and the Texas Department of State Health Services to provide Child Health Services for Title V Eligible Patients and Acceptance of Grant Funding in an amount not-to-exceed \$45,500 for the term September 1, 2011 through August 31, 2012.
17. Annual Dental Report: July 1, 2010 through June 30, 2011. **This item deferred to the Planning & Operations Committee scheduled for October 13, 2011.**

18. **Motion 11.9-124**

Moved Ms. Truesdell, seconded by Dr. Varadhachary, and unanimously passed, that the Board approve to enter into a Professional Services Agreement with Fugro Consultants, Inc. for materials testing and GeoTechnical Services for the construction of the Westland Specialty Clinic Project at LBJGH. The cost of services provided under these agreements is a not-to-exceed amount of \$189,823.

Motion 11.9-125

Moved by Ms. Truesdell, seconded by Dr. Varadhachary, and unanimously passed that the Board approve agenda item V. C. 19.

19. Approval of an Agreement between the Harris County Hospital District and FosterQuan, LLP for Immigration Legal Services in the not-to-exceed amount of \$15,000 for the term September 1, 2011 through December 31, 2011 subject to term start change of October 1, 2011.

Motion 11.9-126

Moved by Ms. Stiner, seconded by Ms. Spinks, and unanimously passed that the Board approve agenda item V. C. 20.

20. Approval of a Term Vested Benefit Project and 3rd Amendment to the District Sponsored Pension Plan.

Motion 11.9-127

Moved by Ms. Stiner, seconded by Ms. Truesdell, and unanimously passed that the Board approve agenda item V. C. 21.

21. Ratification of the 15th Amendment to the Fidelity Trust Agreement effective September 9, 2011.

D. PI & Patient Safety Committee

Mr. DonCarlos departed the meeting at this time (11:25 a.m.) and Ms. Truesdell assumed Acting Chair of the meeting.

Review, Discussion and Possible Action regarding the Harris County Hospital District (HCHD) Quality Scorecard

Dr. Sutton reviewed the HCHD Quality Scorecard. Discussion ensued. A copy of the report is available in the permanent record.

E. Audit Committee

Consideration of Recommendation of the Award for External Audit Services on Behalf of the Harris County Hospital District.

This item tabled until a called Board meeting to be scheduled for October 15, 2011 prior to Board Committee meetings.

F. Legislative Committee

Dr. Atul Varadhachary departed the meeting at this time (11:40 a.m.)

1. Update, discussion and possible action regarding activities in Austin relating to regulatory issues impacting HCHD, the 82nd Legislative Session and the HCHD legislative platform

Mr. David Lopez presented the Legislative Report related to the State.

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

Ms. Mary Schneider presented the Legislative Report. She reported that she and Mr. Hillier were in Washington, D.C. two weeks ago for hill visits.

VI. Miscellaneous Agenda Items

Motion 11.9-128

Moved by Mr. Wortham, seconded by Mr. Franklin, and unanimously passed, that the Board approve agenda items VI.A. – VI.D.

- A. Approval of the Contract between the Harris County Hospital District and Texas Department of State Health Services for the FY12 Children with Special Health Care Needs Case Management Program
- B. Ratification of a Subaward Agreement between the Harris County Hospital District and the University of Texas M.D. Anderson Cancer Center for Reducing Tobacco-Related Health Disparities
- C. Ratification of Amendment No. 1 to Subaward Agreement between the Harris County Hospital District and the University of Texas M.D. Anderson Cancer Center for Project involving Smoking Quitline
- D. Approval of Renaming the Southwest Eligibility Center to “Lois J. Moore Eligibility Center”

Motion 11.9-112

Moved by Mr. Wortham, seconded by Ms. Spinks, and unanimously passed, that the Board approve agenda item VI. E.

E. Approval of Resolution Adopting the Conditions set forth in the Medicaid Hospital Supplemental Payment Program Certification of Governmental Entity Participation

VII. President/Chief Executive Officer's Report to Include: 1) Texas 1115 Medicaid Waiver: Update; 2) Recommendation of Board Approval for the Harris County Hospital District to Establish Indigent Care Affiliation Agreements with The Methodist Hospital, d/b/a The Methodist Hospital System, Texas Children's Hospital and St. Luke's Episcopal Health System; 3) Recommendation of Board Approval for Formal Approval/Adoption of a "dba" for the Harris County Hospital District; and 4) Employee Partnership Survey Results

Texas 1115 Medicaid Waiver: Update

(This item taken out of order.)

Mr. Lopez addressed the Board regarding the Texas 1115 Medicaid Waiver; Update. He informed the Board that there are several entities in our community that are not a part of the Regional UPL. He introduced Ms. Maura Walsh, HCA, Dr. David Fine, St. Luke's Hospital and Mr. Ron Giroto, Methodist Hospital, who did not speak to the Board. He introduced Mr. Dan Wolterman, Memorial Hermann, Mr. Mick Cantu, The Methodist Hospital, and Mr. Marty McVey, Spring Branch Med. Center, who did speak to the Board. Much discussion ensued.

Recommendation of Board Approval for the Harris County Hospital District to Establish Indigent Care Affiliation Agreements with The Methodist Hospital, d/b/a The Methodist Hospital System, Texas Children's Hospital and St. Luke's Episcopal Health System

Motion 11.9-111

Moved by Dr. Varadhachary seconded by Dr. Santos, and unanimously passed, with the recusals noted below, that the Board approve for the Harris County Hospital District to establish Indigent Care Affiliation Agreements with The Methodist Hospital, d/b/a The Methodist Hospital System, Texas Children's Hospital and St. Luke's Episcopal Health System.

Mr. Franklin amended the motion to read: Moved by Dr. Varadhachary seconded by Dr. Santos, and unanimously passed, that the Board approve for the Harris County Hospital District to establish Indigent Care Affiliation Agreements with The Methodist Hospital, d/b/a The Methodist Hospital

System, Texas Children's Hospital and St. Luke's Episcopal Health System and to include Spring Branch Medical Center in the agreement within three months.

Ms. Truesdell recused herself because her husband is employed by Methodist.

Ms. Stiner recused herself, as her daughter is employed by Memorial Hermann.

Recommendation of Board Approval for Formal Approval/Adoption of a "dba" for the Harris County Hospital District

This item deferred to a later date.

Employee Partnership Survey Results

Ms. Lisa Daul, Press Ganey presented the 2011 Employee Partnership Survey Results. Much discussion ensued. A copy of the report is available in the permanent record.

VIII. Executive Session

At 9:32 a.m., Mr. DonCarlos stated that the Board would go into Executive Session under Section 161.032 of the Texas Health & Safety Code and Texas Occupations Code Ann. 160.007 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 10:56 a.m., Mr. DonCarlos reconvened the meeting and stated that no action was taken in Executive Session.

A. 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.

B. 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. §160.007 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.

C. Consultation with the County Attorney regarding Cause No. 2011-29096; *Matl Construction Corporation v. Harris County Hospital District*; In the 281st 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 11.9-113

Moved by Ms. Truesdell, seconded by Ms. Spinks, and unanimously passed that, the Board approve the following resolution:

The Harris County Hospital District, by and through its Board of Managers, approves and hereby authorizes the settlement of Cause No. 2011-29096; *Matl Construction Corporation v. Harris County Hospital District*; In the 281st Judicial District Court of Harris County, Texas in an amount not to exceed \$1.25 million, payable to Matl Construction Corporation. David S. Lopez, President/CEO is authorized to execute any agreement, release or other necessary documents to effect this settlement.

- D. Consultation with the County Attorney regarding Cause No. 2010-00231; *Raymond Michael Lee v. Harris County Hospital District*; In the 80th 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.

No action taken.

- E. Consultation with the County Attorney regarding Entering into Indigent Care Affiliation Agreements with Private Hospitals in Connection with the Medicaid 1115 Waiver, pursuant to Tex. Gov't Code Ann. §551.071 and Possible Action regarding this Matter upon Return to Open Session.

No action taken.

- F. Consultation with the County Attorney regarding whether the District is Legally Obligated to Provide Healthcare Services to Persons Needing Nursing Home Care, 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 the Texas Public Hospitals for Medicaid Graduate Medical Education Coalition Reimbursement Initiative, pursuant to Tex. Gov't Code Ann. §551.071 and Possible Action regarding this Matter upon Return to Open Session.

No action taken.

X. Adjournment

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

There being no further business, the meeting adjourned at 12:15 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 September 29, 2011.

Mr. Stephen DonCarlos, Chair
Board of Managers

Ms. Carolyn Truesdell, Acting Chair
Board of Managers

Mr. E. Dale Wortham, Secretary

Recorded by Anne McCowan