



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

Thursday, March 29, 2012

Board Room – Administration Building

BOARD MEMBERS PRESENT

Mr. Stephen DonCarlos, Chair
Ms. Carolyn Truesdell, Vice Chair
Mr. E. Dale Wortham, Secretary (left at 1:35 p.m.)
Mr. Elvin Franklin, Jr.
Dr. George Santos (left at 11:37 a.m.)
Ms. Daisy Stiner
Dr. Atul Varadhachary
Mr. TJ Tijerina, Jr.
Mr. Lawrence Finder (9:12 a.m.) (left at 11:55 a.m.)

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
Dr. Matthew Wall, Chairman, Medical Executive Board
Dr. Jose Garcia, AMS
Ms. Peggy Boice, Judge Ed Emmett's Office (left at 11:00 a.m.)
Mr. Mark Fury, Commissioner Steve Radack's Office
Ms. Elizabeth Neal, Commissioner Jack Cagle's Office (9:18 a.m.)
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 9:04 a.m. and noted that a quorum was present. The attendance was recorded.

II. Approval of Minutes of Previous Meetings

Motion 12.3-25

Moved by Ms. Truesdell, seconded by Dr. Santos, and unanimously passed, that the Board approve the minutes of the February 23, 2012 Board of Managers Meeting.

III. Special Presentation

Dr. Hilliard announced that the Harris County Hospital District was recognized as one of the healthiest employers in the Houston area. The award was given by The Houston Business Journal.

IV. Hear from Citizens

Ms. Cynthia Cole addressed the Board regarding issues in the BTGH Adult Emergency Center. Mr. DonCarlos asked Mr. Lopez to assign someone to work with Ms. Cole.

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

Agenda Item A1aa was pulled.

Motion 12.3-26

Moved by Dr. Santos, seconded by Mr. Tijerina, and unanimously passed, that the Board approve items V.A1a to V.A1bb (with the exception of items V.A1v and V.A1aa).

A. Items related to Purchasing

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

- a. ratify funding for year two of a three-year term for Sodexo Services of Texas Limited Partnership for turnkey management and operation of food and nutrition services in the estimated amount of \$4,980,239 for the term March 7, 2012 through March 6, 2013.
- b. approve the third of four renewal options for Siemens Medical Solutions, USA, Inc. to provide remedial maintenance service required for CT Scanners and Leonardo Workstations in the estimated amount of \$540,074 for the term March 1, 2012 through February 28, 2013.
- c. award on the basis of sole source for Epic Systems Corporation for maintenance for Epic Clinical and Business Software in the estimated amount of \$3,368,301 for the term April 1, 2012 through March 31, 2013.

- d. award on the basis of low quote for Set Solutions, Inc. for maintenance and support of IronPort Anti-Spam and Anti-Virus Software in the amount of \$91,495 for the term March 31, 2012 through March 30, 2013.
- e. approve interim guaranteed maximum price for Miner-Dederick Construction, LLP to provide construction of the Pre-op Screening Project at LBJ in the total amount of \$527,390 (construction price - \$502,789; owner contingency - \$25,141).
- f. award on the basis of best bid for Jerdon Enterprise, L.P. for parking lot demolition and renovation services at People's Health Center in the total amount of \$421,878 (construction price - \$383,525; owner contingency - \$38,353).
- g. approve exemption from the competitive bid requirements for Wilson Architectural Group, Inc. for professional architectural services (Holly Hall Smith Clinic Data Center) in the estimated amount of \$297,920.
- h. approve exemption from the competitive bid requirements for Wilson Architectural Group, Inc. for professional architectural services (Old Ben Taub Tower Emergency Generator Project) in the estimated amount of \$250,000.
- i. award for EFI Global, Inc. to provide asbestos sampling and analysis, asbestos design, and abatement monitoring engineering services in the estimated amount of \$100,000 for the term April 17, 2012 through April 16, 2013.
- j. award for EFI Global, Inc. to provide on-call environmental and indoor air quality engineering services in the estimated amount of \$100,000 for the term April 17, 2012 through April 16, 2013.
- k. award on the basis of single source contract for Hill-Rom Company, Inc. (PP-MM-089) for Hill-Rom Tempur-pedic® Mattresses for stretchers in the estimated amount of \$181,634.
- l. award on the basis of best proposal meeting requirements for PricewaterhouseCoopers LLP for ICD-10 assessment in the amount of \$395,000 for a one year initial term with four one-year renewal options.
- m. approve additional (non-budgeted) funds for Metropolitan Transit Authority of Harris County, Texas for RideSponsor Q-Card Sales Program in the estimated additional amount of \$24,500 for the term April 3, 2011 through April 2, 2012 (Board previously approved funds in the amount of \$85,100 for the same term).

- n. award for Metropolitan Transit Authority of Harris County, Texas for RideSponsor Q-Card Sales Program in the estimated amount of \$159,120 for the term April 3, 2012 through April 2, 2013.
- o. award on the basis of best contract for Laboratory Corporation of America (LabCorp) for clinical reference laboratory testing in the estimated amount of \$2,189,370 for the term April 1, 2012 through March 31, 2013.
- p. approve the third of four renewal options for Becton Dickinson and Company through BD Biosciences for flow cytometry analyzers, reagents, consumables and service in the estimated amount of \$188,931 for the term April 24, 2012 through April 23, 2013.
- q. ratify additional budgeted funds for Abbott Diabetes Care Sales Corporation for point of care glucometer analyzers, reagents, consumables, service and training in the estimated additional amount of \$157,547 for the term March 1, 2011 through February 29, 2012 (Board previously approved funds in the amount of \$981,375 for the same term).
- r. ratify the first of four renewal options for Abbott Diabetes Care Sales Corporation for point of care glucometer analyzers, reagents, consumables, service and training in the estimated amount of \$1,138,922 for the term March 1, 2012 through February 28, 2013.
- s. approve additional budgeted funds and an extension for Bio-Rad Laboratories for two whole blood analyzers, reagents and consumables for Hemoglobin A1c and variant hemoglobin tests in the additional budgeted amount of \$56,000 for the extended term April 1, 2012 through September 30, 2012 (Board previously approved funds in the amount of \$238,000 for the term October 1, 2009 through March 31, 2012).
- t. approve awards on the basis of best proposals meeting requirements for Trinity Biotech and DiaSorin, Inc. for fully automated infectious disease testing analyzers, reagents, consumables and services in the estimated amount of \$243,207 (Trinity Biotech - \$68,253; DiaSorin, Inc. - \$174,954) for a one year initial term with four one-year renewal options.
- u. ratify purchase on the basis of best contracts for Boston Scientific Company (\$49,575, items 1-18) and Cook Medical Inc. (\$141,508, items 19-89) for specialty urological products in the total multi-vendor estimated amount of \$191,083 for the term February 1, 2012 through January 31, 2013.

- v. WITHDRAWN.
- w. ratify the fourth and final renewal option for Cardon Healthcare Network, LLC (Cardon) and Resource Corporation of America (RCA) for certification of pending Medicaid cases and other related third party sources in the estimated amount of \$6,000,000 for the term February 8, 2012 through February 7, 2013 (Cardon) and February 22, 2012 through February 21, 2013 (RCA).
- x. ratify the first of four renewal options for Network Cabling Services, Inc. – Class I (\$41,500) and NetVersant Solutions LLC – Catalogs and Class II-IV (\$358,500) to provide labor and materials for the installation of telephone and data cable in the total multi-vendor estimated amount of \$400,000 for the term March 22, 2012 through March 21, 2013.
- y. award on the basis of lowest priced proposal for Siemens Medical Solutions USA, Inc. for a single plane catheterization system in the estimated amount of \$1,346,000 (\$946,000 for system and \$400,000 for room modification) for a one year initial term with four one-year renewal options.
- z. award on the basis of best contract for SonoSite, Inc. to provide two additional ultrasound systems for Ben Taub General Hospital Emergency Clinic, one for the Medical Intensive Care Unit and one for the Renal Clinic at LBJ in the amount of \$234,802.
- aa. WITHDRAWN.
- bb. award on the basis of best contract for Medical Graphics Corporation to provide two new pulmonary function test systems which includes equipment, diagnostic hardware and software; one system for Ben Taub and one system for LBJ in the amount of \$304,826.

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

- a. transmittal of award on the basis of low quote per contract for HBI (\$787), OFIS (\$3,454), Vanguard Environments (\$8,391), Contract Resource Group (\$9,063), and Jimenez Contract Services (\$48,107) for office furniture for the Jones Road Pediatric and Adolescent Clinic in the total multi-vendor amount of \$69,802.
- b. transmittal of purchase on the basis of sole source for Q-Matic Corporation for Q-Matic software support and maintenance in the estimated amount of \$53,158 for the term March 1, 2012 through February 28, 2013.
- c. transmittal of purchase on the basis of lowest quote for Mythics, Inc. for Oracle Enterprise database license and support software in the amount of \$99,867.

- d. transmittal of purchase on the basis of lowest quote for Mythics, Inc. for Oracle Diagnosis and Tuning Pack software in the amount of \$77,620.
- e. transmittal of purchase on the basis of single source contract for Bausch & Lomb Surgical, Inc. for phacoemulsification vitrectomy system in the amount of \$99,500.
- f. transmittal of the fourth and final renewal for ETS Environmental Testing Services, Inc. to provide continuous gas monitoring and assessments, piped medical gas system assessment and preventive maintenance, operating and negative pressure isolation rooms ventilation assessments, minor and emergency gas system repairs in the estimated amount of \$52,000 for the term March 1, 2012 through February 28, 2013.

Motion 12.3-27

Moved by Mr. Franklin, seconded by Mr. Tijerina, and unanimously passed, that the Board approve agenda items V.B. – V.F.

- B. Approval to enter into a new Inter-local Agreement with Harris County to provide wage rate compliance services, including insurance and bond verification services, for the Hospital District's capital improvement construction projects. The term of the agreement is March 1, 2012 through February 28, 2013 at a fixed fee of \$64,678.
- C. Authorization for the Harris County Hospital District to grant, sell, and convey two temporary construction easements to Harris County for the construction of a METRO staging area and work area to tie-in two existing drives to Scott Street Extension, situated in Harris County, for a total of \$10.00 each. The term of each temporary construction easement shall commence at the start of construction and shall terminate without any further action two years thereafter.
- D. Approval of the Digital Forensic Imaging Telemedicine Agreement between the Harris County Hospital District and The University of Texas Medical Branch at Galveston.
- E. Approval for a Board of Managers Resolution regarding Office of the Governor Criminal Justice Division Grant Submission (Grant #25779-01: Responding to Victims of Human Trafficking).
- F. Approval of the renewal agreement between the Harris County Hospital District and Department of Assistive and Rehabilitative Services for copying for the term March 31, 2012 through August 31, 2015.

VI. Reports of the Committees

A. Joint Conference Committee

Dr. Matthew Wall presented the credentialing changes for members of the HCHD medical staff for March 2012. Practitioners Katherine Erdman, PA and James Pullano, M.D. were moved from the pending items report to the March Credentialing Report. Discussion ensued. A copy of the report is available in the permanent record.

Motion 12.3-28

Moved by Mr. Franklin, seconded by Dr. Santos, and unanimously passed, that the Board approve item VI.A.1. (with the addition of Katherine Erdman, PA and James Pullano, M.D. from VI.A.2.).

1. Approval regarding the Credentialing Changes for Members of the HCHD Medical Staff (March 2012).

Motion 12.3-29

Moved by Dr. Santos, seconded by Ms. Truesdell, and unanimously passed, that the Board approve item VI.A.2. (with the exception of Katherine Erdman, PA and James Pullano, M.D., which were moved to VI.A.1). Approval is subject to receipt and approval of pending items as appropriate.

2. Approval regarding the Credentialing Changes for Members of the HCHD Medical Staff (Pending Items, March 2012).

Motion 12.3-30

Moved by Dr. Santos, seconded Ms. Stiner, and unanimously passed, that the Board approve items VI.A.3-VI.A.5.

3. Approval of Recommendation regarding Replacement of the Physician Assistant/Nurse Practitioner (General Services) Clinical Privileges Forms for the Harris County Hospital District.
4. Approval of Recommendation regarding Replacement of the Physician Assistant/Nurse Practitioner (Obstetrics & Gynecology Service) Clinical Privileges Forms for the Harris County Hospital District.
5. Approval of Recommendation regarding Replacement of Pediatric Nephrology Clinical Privileges Forms for the Harris County Hospital District.

Discussion ensued regarding the Medical Executive Board Report. It was questioned why this report was no longer included in the Joint Conference Committee Report. Ms. Carolyn Jones stated that the decision was made to not discuss the report in open session due to some of the content included in the report. Dr. Santos noted that the Medical Executive Board Report is discoverable. The peer review issues coming

from that meeting can be handled separately, but the Board still needs to be informed of other items coming from that meeting. Mr. Finder reiterated the fact that the report is a public document unless there is some statute that makes it privileged. Mr. Lopez stated that the report will be reformatted and brought to the Board. Peer review items that need to be discussed will be discussed in Executive Session. Ms. Leal stated that she would work with Ms. Jones to make sure the Board receives the report. Dr. Varadhachary stated that this is a major change and it should not have been made without discussion. Ms. Jones stated that the item was taken to executive session many months ago, but there was no follow-up. Discussion ensued.

B. Budget and Finance Committee

Mr. Norby presented the February 2012 Financial Report. The report includes an overview of the FY2012 Fiscal Year and comparison to the prior year. Admissions were 2.8% less than budget and the case mix adjusted average length of stay was 3.9% greater than budget. Discussion ensued. Charity and self-pay payor mix of 64.2% compared unfavorably to the budget of 57.9%. Medicaid represented 23.9% of total patients and was less than the budget of 26.2%. Medicare represented 8.8% of all patients, which compared favorably to the budget of 7.6%. Commercial insurance and other represented 3.2% of all patients and compared unfavorably to the budget of 8.3%. Significant discussion ensued. It was stated that it would be helpful to have a Board retreat showing different scenarios in the next five years. A copy of the report is available in the permanent record.

1. Motion 12.3-31

Moved by Dr. Varadhachary, seconded by Mr. Franklin, and unanimously passed, that the Board accept the February 2012 Financial Report subject to audit.

Mr. Norby presented the February 2012 Pension Plan Report. A copy of the report is available in the permanent record.

2. Motion 12.3-32

Moved by Mr. Franklin, seconded by Dr. Varadhachary, and unanimously passed, that the Board accept the February 2012 Pension Plan Report subject to audit.

Mr. Norby presented the Fourth Quarter FY 2012 Investment Report. A copy of the report is available in the permanent record.

3. Motion 12.3-33

Moved by Dr. Santos, seconded by Mr. Franklin, and unanimously passed, that the Board accept the Fourth Quarter FY 2012 Investment Report.

4. Presentation of February 2012 Financial Statements and Background and Strategic Priorities of Community Health Choice, Inc.

Mr. Janda presented the February 2012 Financial Statements of Community Health Choice, Inc. Net income for February 2012 was \$1,675,904. STAR member months were 0.9% below budget, CHIP member months were 1.1% above budget and CHIP Perinate member months were 3.0% above budget. A copy of the report is available in the permanent record.

C. PI & Patient Safety Committee

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

Dr. Sutton reviewed the Harris County Hospital District Quality Scorecard with the Board. Dr. Santos noted the superb presentation about the performance of the Stemi Program at the Committee meeting. He stated that this is a stellar accomplishment that deserves some recognition and publicity. A copy of the report is available in the permanent record.

2. Approval of the 2012 Quality, Safety, and Performance Improvement Plan.

Dr. Sutton presented the 2012 Quality, Safety, and Performance Improvement Plan. A copy of the document is available in the permanent record.

Motion 12.3-34

Moved by Ms. Truesdell, seconded by Ms. Stiner, and unanimously passed, that the Board approve the 2012 Quality, Safety, and Performance Improvement Plan.

D. Planning & Operations Committee

1. Approval of the Harris County Hospital District Tiered Benefits Risk Reduction Program for FY14

Ms. Gould presented the Harris County Hospital District Tiered Benefits Risk Reduction Program for FY14. Cigna has guaranteed that they would shift at least 20% of the employee population to an upgraded risk status if at least 65% of employees complete the biometric screening. Biometric screens are being scheduled throughout the Hospital District through May 31, 2012. Discussion ensued regarding employee wellness. Mr. Lopez noted that there will be a significant increase in rates for those that do not participate in this.

Motion 12.3-35

Moved by Dr. Varadhachary, seconded by Ms. Stiner, and unanimously passed, that the Board approve the Harris County Hospital District Tiered Benefits Risk Reduction Program for FY14 and that some type of document be developed for the Board of Managers to show their official support and endorsement.

2. Update on Ambulatory Care

Dr. Trenchel presented an update on Ambulatory Care. He presented a slide defining the current state of Ambulatory Care. Highlights include:

- NCQA Medical Home Designation
- Building/Establishing HCHD Employed Physician Model
- Addition of MLP's, Pediatricians and OB/GYN to Health Centers
- Empanelment/PCP Assignment/Quantification
- Patient Appointment and Referral Center
- Development of Standards Adopted/Embraced by Clinic/Medical staff

Recommendations for Ambulatory care were presented. Discussion ensued. A copy of the presentation is available in the permanent record.

E. Strategic Planning Committee

Ms. Oddo presented the Harris County Hospital District Strategic Plan – 2012-2016, stating that she will continue to update the Board on the status of the plan. A copy of the document is available in the permanent record.

Motion 12.3-37

Moved by Mr. Finder, seconded by Ms. Truesdell, and unanimously passed, that the Board approve the Harris County Hospital District Strategic Plan – 2012 – 2016.

F. Legislative Committee

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

Ms. Mary Schneider presented the legislative report. A written report was distributed. Mr. Lopez introduced Ms. Amanda Simmons, Administrative Director for the 1115 Waiver. A copy of the report is available in the permanent record.

VII. Miscellaneous Agenda Items

A. Motion 12.3-38

Moved by Ms. Truesdell, seconded by Ms. Stiner, and unanimously passed, that the Board ratify the appointments of Mr. Franklin, Dr. Santos, and Dr. Varadhachary to the Ad Hoc 1115 Waiver Committee.

B. Presentation by Terry L. Reeves, Sr. Vice President, Corporate Compliance Regarding Education of the Board of Managers Concerning Top Legal Developments for Healthcare Compliance in the Past Year and their Potential Impact on the Harris County Hospital District

Agenda Item VII.B was moved to after Agenda Item VIII.

Mr. Reeves presented an education video for Corporate Compliance.

C. Motion 12.3-36

Moved by Dr. Santos, seconded by Dr. Varadhachary, and unanimously passed, that the Board table the new Harris County Hospital District (HCHD) Medical Necessity Screening #7.27 Policy.

Dr. Sutton presented the new Harris County Hospital District (HCHD) Medical Necessity Screening #7.27 Policy. Discussion ensued. Dr. Santos stated that the policy was originally presented to the Board 6-8 months ago and there was great concern at that time. The policy was never seen again until the PI Committee earlier this month. He expressed concern regarding how the Board requests policies and/or action items, and the follow-up of these items. Policies must come back to the Board when they are asked to come back. He stated that this particular policy is not clear and does not lay out the process. Significant discussion ensued regarding the policy. Dr. Santos stated that the policy needs to accurately reflect the Bylaws provisions. Dr. Sutton stated that the policy will be taken back for review by the appropriate groups.

VIII. President/Chief Executive Officer's Report to Include: 1) Revised Procedure for Board of Managers Follow-Up Requests; 2) Dr. Trenchel's Resignation; 3) National Association of Public Hospitals (NAPH) Award; 4) Joint Commission Follow-Up Survey; and 5) Facility Assessment: Community Health Program Clinics

Revised Procedure for Board of Managers Follow-Up Requests

Mr. Lopez addressed the revised procedure for Board of Managers Follow-up Requests. He is working with his staff to develop an accountability system. Mr. Lopez stated that due-outs from the Board will be assigned to an EVP and/or himself. Timeframes for getting the information back to the Board will be included with the original assignment. This will be done in concert with the new Director of the Board Office. Mr. Tijerina asked that the requests for follow-up be included in the meeting minutes. Discussion ensued.

Dr. Trenchel's Resignation

Mr. Lopez recognized Dr. Trenchel's resignation and departure from the Hospital District. He stated that Dr. Trenchel has been a great addition to the Hospital District over the past four years. He was thanked for all the work he has put in with the organization.

National Association of Public Hospitals (NAPH) Award

Mr. Lopez announced that the Hospital District received the NAPH 2012 Gage Award for outstanding work to improve the health of the population of Harris County. Dr. Ann Smith Barnes presented a video on the initiative to bring fresh produce to Hospital District patients.

Joint Commission Follow-Up Survey

Dr. Sutton stated that a follow-up survey was conducted for some of the Joint Commission issues. Mr. Johnson addressed the life safety issues. He stated that vendors were using the sprinkler lines to support their installation of cables, which is not proper. The violations will be corrected over the next year. From this point forward, work will be inspected by the responsible department as well as Engineering. The District is currently trying to locate recent violators to have them fix defective work.

Facility Assessment: Community Program Clinics

Mr. Johnson stated that his department is developing a facility assessment document to be shared with the Board. All facilities were assessed (fair, good, or poor) when the facilities master plan was started. Funds were allocated this past fiscal year to address the fair and poor assessments. The document will show all assessments in detail.

IX. Executive Session

At 12:12 p.m., Mr. DonCarlos stated that the Board would go into Executive Session under Section 161.032 of the Texas Health & Safety Code, Texas Occupations Code 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.

X. Reconvene

At 1:35 p.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 2010-79293; *Maria Olvera v. Harris County Hospital District*; In the 270th 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 12.3-39

Moved by Mr. Franklin, seconded by Ms. Stiner, 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. 2010-79293; *Maria Olvera v. HCHD*; In the 270th Judicial District Court of Harris County, Texas in the amount of \$7,790.40, payable to Maria Olvera and her attorney Norman L. Straub. 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 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 Cause 2011-22776; *Philip Ogwo 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.

- F. Consultation with the County Attorney regarding Civil Action No. 4:10-cv-05180, *Edith Ibegword, et al v. Harris County Hospital District*; In the U.S. District Court for the Southern District of Texas, Houston Division, pursuant to Tex. Gov't Code Ann. §551.071 and Possible Action regarding this Matter upon Return to Open Session.

Motion 12.3-40

Moved by Ms. Truesdell, seconded by Mr. Franklin, and unanimously passed, that the Board approve up to \$80,000.00 in additional legal fees to

Haynes and Boone, LLP for *Edith Ibegword, et al v. Harris County Hospital District*.

- G. Consultation with the County Attorney regarding Settlement of a Claim with Consilium for out-of-network services provided by the Harris County Hospital District, pursuant to Tex. Gov't Code Ann. §551.071 and Possible Action regarding this Matter upon Return to Open Session.

Motion 12.3-41

Moved by Ms. Truesdell, seconded by Mr. Franklin, 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 in the amount of \$143,758.32 in connection with Hospital District's claim against Consilium for provision of out-of-network healthcare services to Consilium's member and authorizes David S. Lopez, President/CEO, to execute any agreement, release or other necessary documents to effect this settlement.

- H. Consultation with the County Attorney regarding EEOC Charge filed by Brenda O'Farrell, pursuant to Tex. Gov't Code §551.071 and Possible Action regarding this Matter upon Return to Open Session.

No action taken.

XI. Adjournment

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

There being no further business, the meeting adjourned at 1:37 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 March 29, 2012.

Mr. Stephen DonCarlos, Chair
Board of Managers

Mr. E. Dale Wortham, Secretary
Board of Managers