

- CALL TO ORDER** The meeting was called to order at 5:30 pm by Peter Watercott, President.
- PRESENT** Peter Watercott, President
John Ungersma, M.D., Vice President
M.C. Hubbard, Secretary
Denise Hayden, Treasurer
D. Scott Clark, M.D., Director
- ALSO PRESENT** John Halfen, Administrator
Robbin Cromer-Tyler, Chief of Staff
Douglas Buchanan, District Legal Counsel
- ALSO PRESENT FOR
RELEVANT PORTION(S)** Carlo Coppo, Esq., Legal Counsel
- OPPORTUNITY FOR
PUBLIC COMMENT** Mr. Watercott asked if any members of the public wished to comment on any items listed on the agenda for this meeting, or on any items of interest. No comments were heard.
- UPDATE ON CLAIM
AGAINST THE
DISTRICT** Carlo Coppo, Esq., retained by the District's liability insurance carrier Beta Healthcare Group to represent the District in the matter of John Nesson, M.D. v Northern Inyo County Local Hospital District (NICLHD), was present to update the Board on the status of the case. Mr. Coppo stated the Nesson lawsuit is essentially over except for a possible appeal to the Supreme Court which is not likely to happen. Mr. Coppo gave an overview of the Nesson's case, which was initiated as a result of the termination of Dr. Nesson's contract with the District due to his loss of Medical Staff privileges. Dr. Nesson's lawsuit has been thrown out as a result of an anti-slap ruling similar to the precedent set in the case of Kibler v NICLHD, where the Supreme court ruled in favor of the District, thereby establishing new law that protects physicians' rights to free speech during the peer review process. Mr. Coppo expressed his and his law firm's thanks to the District for allowing them to take on both the Kibler and Nesson cases and to establish groundbreaking new law in the State of California. The Board also expressed their appreciation to Mr. Coppo for his exemplary handling of both landmark cases. It was additionally noted that the anti-slap statute allows for reimbursement to the District for legal fees incurred in the trying of the case.
- WORKSHOP ON
ETHICS, COMPLIANCE,
AND DISTRICT LAW** Mr. Coppo then provided an informational workshop for the Board on the subject of ethics, compliance, and District law, as required on a bi-annual basis. Mr. Coppo's discussion touched on the following issues:
- District Board and Medical Staff bylaws
 - Confidentiality
 - The peer review process in the State of California
 - Ethical and fiduciary responsibilities of members of the District

Board

- The Brown Act and its relevance to Board meetings
- Board member conflicts of interest
- The importance of transparency and openness on the part of the Board in order to help avoid unknown conflicts of interest
- The importance of responding to claims against the District correctly and in a timely manner

CONSENT AGENDA
ITEMS

The proposed consent agenda items for this meeting are as follows:

- A. Approval of the minutes of the January 25, 2012 special meeting and the February 15, 2012 regular meeting of the District Board
- B. Approval of the Financial and Statistical reports for the month of January, 2012 (*excess of revenues over expenses for the month was \$238,999, and Year-To-Date Net Income @ 1/31/12 totals \$1,220,000*)
- C. Acceptance of the resignation of cardiologist William Mullen, MD
- D. Appointment to the NIH Provisional Medical Staff with privileges as requested for Quality Nighthawk teleradiologists Alexander Adduci, M.D.; Thomas Bryce, M.D.; R. Roy Vaid, M.D.; and Stephen Wei, M.D..
- E. Advancement from Provisional Staff of James Englesby, M.D. to Consulting Staff and of Anthony Schapera, M.D. to Active Staff with clinical privileges as requested (*action items*).
- F. Approval of the following Hospital wide policies and procedures:
 1. *Protocol: Physician Assistant in the operating Room (amended)*
 2. *Standardized Procedure: Use of the RN First Assistant (amended)*
 3. *Surgical Requirements*
 4. *NPO Guidelines*
 5. *Nursing Management of the Patient Receiving Local Anesthesia for Procedures*
 6. *Physician Guidelines for Utilizing the ICU (amended)*
 7. *Vertebroplasty*
 8. *Chaperone Policy for the Imaging Department*
 9. *Critical Indicators for Radiology Peer Review*
 10. *Radiology Peer review Policy*
 11. *Radiology Department Equipment safety Policy*
 12. *Mammography Technologist Job Duties and responsibilities Policy*
 13. *Personnel Radiation Monitoring Policy*
 14. *Mammography Quality Control*
 15. *Mammography Repeat rate Analysis Policy*
 16. *Communication and Documentation for BI-RADS 0, 4, or 5*
 17. *Communication of mammography Results to the Health Care Provider*
 18. *Addendum for Mammography Comparison Images*
 19. *Mammography Pathology Addendum Policy*
 20. *Mammography Consumer Complaint Policy*

21. Mammography Equipment registration and Compliance requirements

G. Acceptance of Northern Inyo Hospital (NIH) Foundation Board of Directors Resignations/Appointments

It was noted by Chief of Staff Robbin Cromer-Tyler, M.D. that the language on the consent agenda referring to Medical Staff appointments and advancements as showing “no known delinquencies or infractions” is incorrect verbiage and should be stricken. It was also noted by Medical Staff Coordinator Margaret Egan that the resignation of Marie Boyd from the NIH Foundation Board is a result of possible conflicts between her duties as High Sierra Ultra marathon Race Director and her duties as a Foundation Board Member. Ms. Egan and Mr. Watercott both expressed their gratitude for the many years of service and dedicated by Ms. Boyd on behalf of the Foundation. It was then by John Ungersma, M.D., seconded by M.C. Hubbard, and passed to approve all consent agenda items listed, with the agreement that the wording referred by Doctor Cromer-Tyler will be stricken from the Medical Staff appointments and approvals section.

ADMINISTRATOR’S
REPORT

BUILDING UPDATE

Kathy Sherry with Turner Construction Company reported the construction project is in the punch list phase, and most major items have been completed or are being finalized. The architects are working through their punch list as well, and at this point only minor last minute changes are being made. Office of Statewide Healthcare Planning and Development (OSHPD) inspectors are expected to be on site for approvals during the first week of April. At this point the project is looking good, and the conclusion is clearly in sight.

ORTHOPEDIC
SERVICES UPDATE

Mr. Halfen reported Administration continues to recruit for a full-time orthopedic surgeon, and at this time we is looking at three potential orthopedic candidates.

PHYSICIAN
RECRUITING UPDATE

Mr. Halfen also stated the District continues to recruit for internal medicine physicians, hospitalists, family practitioners, and for an additional physician to practice at the NIH Rural Health Clinic.

SECURITY REPORT

Mr. Halfen also noted the Security report for January 2012 is included in the Board packet, and it reveals no security issues of significance.

FOOD FACILITY
REPORT

Mr. Halfen also referred to a recent Food Facility Inspection Report by Inyo County, which reveals the once again the Hospital kitchen has been found to be sanitary, with food being safely stored, prepared, and served.

Q4 UTILIZATION
REPORT

No update was given on the Q4 Utilization Report.

CASH FLOW REPORT

Mr. Halfen distributed a cash flow report illustrating where we are at this time in relation to cash flow. The report showed how we plan to pay for

the remainder of the building project, as well as for the new Hospital Information System (HIS). The cash flow included sources of funding such as leasing deals with Celtic Leasing and Taycor Financial.

MSQA INSPECTION

Mr. Halfen also reported the Radiology Department recently underwent a State and Federal mammography inspection which revealed no violations, deficiencies, or recommendations for improvements to our program. The hospital was complimented on its organization of records and on the overall structure of our mammography program.

CHIEF OF STAFF
REPORT

Chief of Staff Robbin Cromer-Tyler, M.D. referred to a proposed Medical Staff Policy and Procedure titled *Credentialing Health Care Practitioners in the Event of Disaster*. The policy sets guidelines for health care practitioners willing to help in the event of a disaster being allowed to assist the NIH Medical Staff. Following review and brief discussion of the policy provided it was moved by Ms. Hubbard, seconded by Denise Hayden, and passed to approve the NIH Medical Staff Policy and Procedure titled *Credentialing Health Care Practitioners in the Event of a Disaster* as presented.

OLD BUSINESS

AGREEMENTS FOR
LYN LEVENTIS,
OB/GYN

Mr. Halfen called attention a Relocation Expense Agreement and a Private Practice Physician Income Guarantee and Practice Management Agreement with Lyn Leventis, M.D. Doctor Leventis is an OB/Gyn who plans to arrive in Bishop around May 1st and join the practice of Lara Jeanine Arndal, M.D. Doctor Leventis's agreement is similar to those entered into with other physicians, but also allows for the hospital to provide health insurance for the doctor and to pay a \$10,000 signing bonus for her coming on board. Mr. Halfen also commented that Dr. Leventis's income guarantee will be at 54% of industry standards for OB/Gyn physicians. Following review of the agreements provided, it was moved by Doctor Ungersma, seconded by Ms. Hayden, and passed to approve both agreements with Doctor Lyn Leventis as presented.

MANDATORY PTO
CASHOUT MINIMUM
FOR HOSPITAL
EMPLOYEES

Carrie Petersen, Controller called attention to a proposed policy requiring hospital employees who cash out their Paid Time Off (PTO) to maintain a minimum of 40 hours in the event that it is needed for illness or emergency. Following review of the information provided it was moved by Doctor Ungersma, seconded by Ms. Hubbard and passed to approve the mandatory PTO cash-out minimum of 40 hours for Hospital employees as presented, with Ms. Hayden and Mr. Watercott abstaining from the vote.

NEW BUSINESS

CONSTRUCTION
CHANGE ORDER
REQUEST BUDGET

Mr. Halfen asked for Board approval of a \$100,000 budget to cover re-building project expenses that may arise, including changes, inspections, surveys, etc.. If the Board approves this budget, finalization of the project will not be held up by having to go to the Board for approval of each unexpected or additional expense. It was moved by Ms. Hayden,

seconded by Doctor Ungersma, and passed to approve a budget of \$100,000 to cover additional construction project expenses if necessary.

LANGUAGE SERVICES
ANNUAL REPORT

Language Services Director Jose Garcia presented the Language Services annual report for the 2011 calendar year, which revealed 2,870 in-person interpreting sessions were conducted, as well as 399 phone sessions, and 90 video interpreting sessions. The hospital now employs 13 dual-role interpreters, and has a performance improvement program in place for the Language Services Department. Mr. Garcia mentioned that NIH's video interpreting units have proved to be extremely valuable, and that American Sign Language interpreting is also accessed through the video units. The Board complimented Mr. Garcia on the tremendous continued success of the Language Services program, and it was moved by Doctor Ungersma, seconded by Ms. Hayden, and passed to approve the Language Services annual report as presented.

ECHOCARDIOGRAM
AGREEMENTS WITH
RENO HEART
PHYSICIANS

Mr. Halfen called attention to proposed agreements for echocardiogram services with Theodore Berndt, M.D.; Thomas DaVee, M.D.; Richard Seher, M.D.; and Robert Swackhamer, M.D., all affiliated with Reno Heart Physicians. It was moved by Ms Hubbard, seconded by Ms Hayden and passed to approve all four echocardiogram agreements as requested.

NIH MARKETING PLAN
BUDGET APPROVAL

Grant writing and Marketing Director Angie Aukee called attention to the proposed Marketing Budget for NIH for the 2012 calendar year. The budget allows for advertising in newspapers; web pages; magazines; telephone directories; maps; guides; and on the radio. It also allows for community projects and for promotion of the opening of the new hospital building, for a total (not including salaries, benefits, training, and office supplies) budgeted amount of \$177,000. Following review of the information provided it was moved by Ms. Hubbard, seconded by Doctor Ungersma, and passed to approve the proposed marketing plan and budget as presented.

CHANGE TO VISITOR
MEAL PRICES

Mr. Halfen noted that this agenda item will be re-scheduled for discussion at a future meeting.

BOARD MEMBER
REPORTS

Mr. Watercott asked if any members of the District Board wished to report on any items of interested. Doctor Ungersma reported that he recently attended the Association of California Healthcare Districts' (ACHD) legislative day in Sacramento, and as usual the meeting proved to be informative and very valuable.

Ms. Hubbard also reported that her second great-grandchild was recently born at Northern Inyo Hospital, and it was a fabulous experience for mother, child, and family members. She expressed kudos for Dr. Amr Ramadan, and for NIH clinical staff who cared for her family. Mr. Watercott noted he recently received a publication from QHR, and

after looking at the material they provide, he feels it may be worth our while to check out their webinar series on the subject of governance.

OPPORTUNITY FOR
PUBLIC COMMENT

In keeping with the Brown Act, Mr. Watercott again asked if any members of the public wished to comment on any items of interest. Stacey Brown, M.D. commented that it is gratifying to see the positive results of the time and effort put in by the Hospital District and its legal counsel to defend the two lawsuits that resulted in anti-slap rulings. Dr. Brown also stated it is extremely rewarding that we have made a positive change to California law in regard to the physician peer review process.

Language Services Manager Jose Garcia also commented that he and two of the hospital's dual role interpreters recently attended the California Hospital Interpreter Association (CHIA) annual conference, which was a very informative and valuable experience. No other comments were heard.

CLOSED SESSION

At 7:25 p.m. Mr. Watercott announced the meeting was being adjourned to closed session to allow the Board of Directors to:

- A. Hear reports on the hospital quality assurance activities, and hear a report from the Medical Staff Executive Committee (Section 32155 of the Health and Safety Code, and Government Code Section 54962).
- B. Confer with legal counsel regarding action filed by John Nesson M.D. against Northern Inyo County Local Hospital District and other Defendants (Government Code Section 54956.9(a)).
- C. Confer with legal counsel regarding pending litigation based on stop notice filed by Strocal, Inc. (Government Code Sections 910 et seq., 54956.9).
- D. Discussion to determine whether or not to initiate litigation (Government Code Section 54956.9(c)).
- E. Confer with legal counsel regarding potential litigation (Government Code Section 54956.9(c)).

RETURN TO OPEN
SESSION AND REPORT
OF ACTION TAKEN

At 7:36 p.m. the meeting returned to open session. Mr. Watercott reported that the District Board took no reportable action.

OPPORTUNITY FOR
PUBLIC COMMENT

In keeping with the Brown Act, Mr. Watercott again asked if anyone present wished to comment on any items on the agenda for this meeting, or on any items of interest. No comments were heard.

ADJOURNMENT

The meeting was adjourned at 7:38 p.m..