



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

**Thursday, March 29, 2007**

**Board Room – Administration Building**

**BOARD MEMBERS PRESENT**

Mr. J. Evans Attwell, Chair  
Mr. Stephen H. DonCarlos, Vice Chair  
Ms. Carolyn Truesdell, Secretary  
Mr. Elvin Franklin, Jr.  
Mr. Michael K. Jhin  
Ms. Mary Spinks  
Mr. E. Dale Wortham

**BOARD MEMBERS ABSENT**

Mr. Jim Lemond  
Mr. Danny Jackson

**OTHERS PRESENT**

Mr. David Lopez, President & Chief Executive Officer  
Mr. George Masi, COO  
Mr. Jack McCown, Harris County Purchasing  
Mr. Kelly Johnson, Harris County Purchasing  
Attorney Mercedes Leal, County Attorney's Office  
Ms. Elizabeth Estrada, Commissioner Jerry Eversole's Office  
Ms. Gloria Moreno, Commissioner Sylvia Garcia's Office  
Mr. Mark Fury, Commissioner Steve Radack's Office  
Administrative Staff  
Guests  
Media  
(Sign-in Sheets attached to permanent record)

**I. Call to Order and Record of Attendance**

Mr. J. Evans Attwell, Chair, called the meeting to order at 9:05 A.M. and noted that a quorum was present. The attendance was recorded.

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

**Motion 07.3-157**

Moved by Mr. DonCarlos, seconded by Ms. Truesdell, and unanimously passed, that the Board approve the minutes of the January 18, 2007 Budget Workshop and January 25, 2007 regular meeting of the Board of Managers.

### **III. Hear from Citizens**

*Mr. Walter Protheroe* addressed the Board regarding his care at Ben Taub.

*Mr. David Bustamante* addressed the Board regarding the following concerns he has related to Casa de Amigos Health Clinic: the lack of input from the Clinic Health Council regarding research protocols, lack of physicians, space and services provided.

### **IV. Consideration of Ratification of Appointments to the Joint Conference Committee**

#### **Motion 07.3-158**

Moved by Mr. DonCarlos, seconded by Mr. Franklin, and unanimously passed, that the Board ratify the appointments of Dr. Stephen Greenberg or designee and a representative from UT or designee to the Joint Conference Committee.

### **V. Discussion of Organizational Vision, Goals and Objectives for District Fiscal Year 2008**

Mr. David Lopez, CEO gave an in-depth PowerPoint presentation related to the organizational vision, goals and objectives for District fiscal year 2008. Much discussion ensued. (Copy in permanent record file.)

Mr. Attwell announced that we will deviate from the order of the agenda and consider agenda item VII. B. 11 & 12.

Mr. Attwell called on Ms. Carolyn Truesdell to present purchasing agenda items.

### **VI. Items Related to Purchasing**

Ms. Truesdell announced the following changes to the purchasing agenda: A(1)a. withdrawn; A(1)d. five instead of six proposals was received and the term is for five years not three. Mr. Wortham had questions regarding agenda item A(1)p. Mr. Wortham's questions were addressed and this item was approved.

A(1). Consideration of Recommendation regarding Purchases requiring Board approval

- a. Job 07/0063: Purchase of 4 Craniotomy Drills

This item was withdrawn.

- b. **Motion 07.3-161**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve an award on the basis of best bid to Enterprise Systems Corporation for Nortel telephones and equipment in the estimated amount of \$342,300 for the term April 1, 2007 through February 29, 2007 with one (1) one-year renewal option.

c. **Motion 07.3-162**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board ratify an award on the basis of best overall contract to Medical Action Industries Inc. for lap sponges, operating room towels and specialty sponges in the estimated amount of \$112,212 for the term March 1, 2007 through February 28, 2008.

d. **Motion 07.3-163**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve an award on the basis of best overall contract to Radiometer America, Inc. (PP-LA-163) for blood gas analyzers for the term five years effective from date of execution. Funding is on an annual basis with estimated funding for year one of \$158,796.

e. **Motion 07.3-164**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve an award on the basis of low bid to Anixter Inc. in the estimated amount of \$65,000 (Class 5), Communications Supply Corp. (CSC) in the estimated amount of \$50,000 (Class 5) and Graybar Electric in the estimated amount of \$10,000 (Class 5) in the total estimated amount of \$125,000 for the term March 1, 2007 through January 31, 2008 with one one-year renewal option.

f. **Motion 07.3-165**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve funding for year four of a five-year agreement with International Business Machines Corporation for IBM Enterprise software maintenance agreement in the amount of \$107,617 for the term February 15, 2007 through February 14, 2008.

g. **Motion 07.3-166**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve additional funds for Synthes Maxillofacial for craniomaxillofacial Implants and related products in the amount of \$260,000 for the term July 1, 2006 through June 30, 2007. (The Board previously approved funds in the amount of \$650,000 for the term July 1, 2006 through June 30, 2007; these additional funds bring the total funded amount to \$910,000.)

h. **Motion 07.3-167**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve additional funds for Pharmacy Computer Services, Inc. for outpatient pharmacy prescription processing software

and equipment upgrade in the amount of \$25,823 for the term February 14, 2007 through April 30, 2007. (The Board previously approved funds in the amount of \$301,308 for the term February 14, 2007 through April 30, 2007; these additional funds bring the total funded amount to \$327,131.)

i. **Motion 07.3-168**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve an award on the basis of sole source to PharMedium Services, L.L.C. for analgesic and pharmaceutical admixtures for patient infusion devices in the estimated amount of \$630,000 for the term March 1, 2007 through February 29, 2008.

j. **Motion 07.3-169**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve an award on the basis of sole source to Siemens Medical Solutions USA, Inc. for hardware and software upgrade in the amount of \$126,220.

k. **Motion 07.3-170**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve an award on the basis of sole source to Epic Systems Corporation for software maintenance for core patient care and patient administration systems-a.k.a. Foundation Project in the amount of \$1,107,151 for the term April 1, 2007 through March 31, 2008.

l. **Motion 07.3-171**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve an award to SBC Global Services, Inc. dba AT&T Global Services for long distance services in the amount of \$64,000 for the term June 4, 2007 through June 3, 2008.

m. **Motion 07.3-172**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve the purchase of computers, monitors and laser jet printers from Dell Computer Marketing for the amount of \$1,530,135.

n. **Motion 07.3-173**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve the purchase of surgical instruments from Cardinal Healthcare for the amount of \$296,819.

o. **Motion 07.3-174**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve the second of four renewal options for Abbott Diagnostics, Inc. (PP-LA-102) through Cardinal Health for blood glucose meters, reagents, training and service in the estimated amount of \$532,086 for the term April 14, 2007 through April 13, 2008.

p. **Motion 07.3-175**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve the first of two renewal options for Supplemental Health Care Services, Inc., Medical Contracting Services, Inc., and Advanced Health Education Center dba Medrelief Staffing in the total estimated amount of \$600,000 for the term April 1, 2007 through March 31, 2008.

q. **Motion 07.3-176**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve the third of four renewal options for Healthlink, Inc., CTG HealthCare Solutions, Kat & Associates, Inc., Extyr, Elite Computer Consultants, L.P. (ECOM), and SDRG Controls, Inc. for information technology consulting in the total estimated amount of \$2,433,107 for the term May 27, 2007 through May 26, 2008.

r. **Motion 07.3-177**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve the first of two renewal options for Supplemental Health Care and Medical Contracting Services, Inc. for temporary therapy personnel in the total estimated amount of \$500,000 for the term April 1, 2007 through March 31, 2008.

s. **Motion 07.3-178**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve the first of two renewal options for Advanced Health Education dba/MedRelief Staffing for temporary therapy personnel in the estimated amount of \$500,000 for the term April 1, 2007 through March 31, 2008.

t. **Motion 07.3-179**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve the first of four renewal options for Lepow Podiatric Medical Association, LLP for outsourcing podiatry services in the estimated amount of \$537,493 for the term May 1, 2007 through April 30, 2008.

u. **Motion 07.3-180**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve the second and final renewal option for The University of Texas Health Science Center at Houston for oral and maxillofacial surgery services in the estimated amount of \$1,207,197 for the term April 1, 2007 through March 31, 2008 subject to execution of the amendment.

v. **Motion 07.3-181**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve the first of three renewal options for Toshiba America Medical Systems for preventive maintenance and repair services for Toshiba Cath Labs in the estimated amount of \$166,015 for the term May 1, 2007 through April 30, 2008.

w. **Motion 07.3-182**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board approve the following memberships:

Health Care Advisory Board in the amount of \$52,200 for the term October 31, 2007 through October 30, 2008; Nursing Executive Center in the amount of \$22,000 for the term June 26, 2007 through June 25, 2008; Financial Leadership Council in the amount of \$24,200 for the term March 24, 2008 through March 23, 2009; Human Resources Investment Center in the amount of \$22,000 for the term March 19, 2008 through March 18, 2009; and Marketing & Planning Leadership Council in the amount of \$21,400 for the term June 30, 2007 through June 29, 2008 for a total amount of \$141,800.

x. **Motion 07.3-183**

Moved by Mr. DonCarlos, seconded by Ms. Spinks, and unanimously passed, that the Board ratify funding for year two of a three year agreement with CompuCom Systems for service center software solution maintenance in the amount of \$177,660 for the term January 31, 2007 through January 30, 2008.

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

- a. Transmittal of additional funds and an extension for Janet Lamb-Havard Gideon Enterprises, Inc. for consulting services related to corrective action plan for specified JCAHO standards in the amount of \$55,000 for the extended term of May 1, 2007 through July 31, 2007. (The Board previously approved \$101,660 for the term November 1, 2006 through

April 30, 2007; these additional funds bring the total funded amount to \$156,660.)

- b. Transmittal of additional funds and an extension for Dana Bjarnason in the amount of \$70,000 for consulting services related to corrective action plan for specified JCAHO standards for the extended term of May 1, 2007 through July 31, 2007. (The Board previously approved \$131,560 for the term November 1, 2006 through April 30, 2007; these additional funds bring the total funded amount to \$201,560.)
- c. Transmittal of additional funding for Dade Behring, Inc. (PP-LA-115) for plasma protein analyzers, reagents and consumables in the amount of \$40,000 for the extended term May 1, 2006 through April 30, 2007. (The Board previously approved funds in the amount of \$54,732 for the term May 1, 2006 through April 30, 2007; these additional funds bring the total funded amount to \$94,732.)
- d. Transmittal of the first of four renewal options for Acceltronics, Inc. for preventive maintenance and repair services for linear accelerators in the estimated amount of \$56,000 for the term May 1, 2007 through April 30, 2008.
- e. Transmittal of the second of four renewal options for Vericom Corporation for on-hold telecommunications message system in the estimated amount of \$53,000 for the term April 1, 2007 through March 31, 2008.
- f. Transmittal of renewal of Memorandum of Understanding with Harris County for financial investment services in the amount of \$30,616 for the term February 6, 2007 through February 5, 2008.
- g. Transmittal of the second and final renewal option for Jose Bayona, M.D. (Physician Advisor) through The University of Texas Health Science Center at Houston in the amount of \$80,000 for the term April 1, 2007 through March 31, 2008.
- h. Transmittal of exemption from the competitive bid requirements for Fulbright & Jaworski, L.L.P. for special counsel for issues related to employee benefits in the estimated amount of \$45,000 for charges incurred in 2006.
- i. Transmittal of an award on the basis of lowest bid meeting specifications for Richmond Printing LLC for term contract printing of medical staff handbooks in the amount of \$12,049 for the term April 1, 2007 through March 31, 2008.

- j. Transmittal of an award on the basis of only bid meeting specifications by class for Tap Pharmaceutical for specific outpatient pharmaceutical products in the amount of \$69,883 for the term March 1, 2007 through February 29, 2008.
- k. Transmittal of an award on the basis of best and lowest priced proposal received for Envision Pharmaceutical Services, Inc. for discount drug benefit services for the term one year upon execution of agreement with four one-year renewal options. (Patient dispensing fee per prescription \$2.50 and patient drug cost average wholesale price – 15%.)
- l. Transmittal of a purchase from 3M Company of tape products in the estimated amount of \$82,740 for the term March 1, 2007 through February 29, 2008.
- m. Transmittal of a purchase from Metrex Research Corporation of high level disinfectant wipes in the estimated amount of \$50,696 for the term March 1, 2007 through February 29, 2008.
- n. Transmittal of a purchase from Integra Lifesciences Corporation of ventricular drainage system in the estimated amount of \$69,004 for the term March 1, 2007 through August 31, 2008.
- o. Purchases for Categories of Goods and/or Services:
  - (1) Premier: Philips Medical Systems, NA (physiological monitoring systems pilot project: clinical configuration, installation site services, LBJ Ward 3B - \$63,822) and Terason (portable ultrasound system - \$48,800)
  - (2) Professional Services: Baylor College of Medicine (physician insurance claim completion services - \$48,000)
  - (3) Sole Source: Joint Commission on Accreditation of Healthcare Organizations (Joint Commission annual program fee - \$25,935); Best Access Systems (LBJ re-keying project using best patented keying system - \$68,348); and Solucient (polaris license fee for Texas hospital statistical data for JCAHO reports - \$32,500)

The total amount of these awards: \$287,405.

## **VII. Reports of the Committees**

Mr. Attwell called on Mr. DonCarlos to present the Joint Conference Committee agenda items.

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

The Joint Conference Committee met on March 15, 2007 and brings forth the following report:

1. Report of the Board of Managers Joint Conference Committee.

No action required. Included in packet as an informational item only.

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

2. **Motion 07.3- 184**

Moved by Mr. DonCarlos, seconded by Ms. Truesdell, and unanimously passed, that the Board ratify the December 2006 Credentialing Changes for members of the HCHD Medical Staff as recommended by the Medical Board. (Appendix "A".)

Mr. Dale Wortham was not present when this vote was taken.

3. **Motion 07.3-185**

Moved by Mr. DonCarlos, seconded by Ms. Truesdell, and unanimously passed, that the Board approve the Credentialing Changes for members of the HCHD Medical Staff for March 2007 as recommended by the Medical Board. (Appendix "B".)

Mr. Dale Wortham was not present when this vote was taken.

4. **Motion 07.3-186**

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

Mr. Dale Wortham was not present when this vote was taken.

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

Mr. Attwell called on Ms. Truesdell, who called on Ms. Alhand to present the Budget and Finance Committee agenda items.

The Budget and Finance Committee did not meet and brings directly to the Board the following:

1. **Motion 07.3-187**

Moved by Ms. Spinks, seconded by Mr. Jhin, and unanimously passed, that the Board approve a Resolution for Intent to Reimburse Capital Expenditures with Tax-Exempt Financing.

2. Discussion regarding the Utilization of Professional Service Firms in Conjunction with Planning for a Potential Tax-Exempt Bond Issue in Fiscal Year 2008

Ms. Liz Alhand and Mr. Edwin Harrison, Director of Financial Services for Harris County, shared information with the Board regarding utilizing several

professional service firms to assist the District in evaluating and structuring a potential tax-exempt financing plan. Much discussion ensued.

### 3. Financial Report

Ms. Liz Alhand presented the February 28, 2007 Financial Reports. Much discussion ensued. Highlights include:

For the month of February:

- Total Operating Income as Reported \$78.3M
- Favorable Adjustments \$71.8M
- Unfavorable Adjustments \$14.5M
- Operating Run Rate as of February \$21.0M
- 2007 Budget \$36.3M
- Favorable (Unfavorable) Run Rate (\$15.3M)
- Attributable Factors: Favorable (Unfavorable) Revenue Variance (\$34.8M)
- Attributable Factors: Favorable (Unfavorable) Expense Variance \$19.6M
- Net Attributable Factors (\$15.3M)

#### **Motion 07.3-188**

Moved by Ms. Truesdell, seconded by Ms. Spinks, and unanimously passed, that the Board accept the February 28, 2007 Financial Reports subject to final audit.

### 4. **Motion 07.3-189**

Moved by Ms. Spinks, seconded by Ms. Truesdell, and unanimously passed, that the Board approve the proposed Board Designated funds as reflected on Attachment II and allow Administration the latitude to fund working capital expenditures from the highly liquid investments as well as within the range of 60-90 days of Board Designated Working Capital. (Appendix "D".)

Mr. DonCarlos was not present when this vote was taken.

Ms. Alhand shared with the Board that these funds are in addition to the previously established Board Designated funds for future capital and repayment of debt. And, that the Board could if it so chooses, to undesignate these funds.

### 5. **Motion 07.3-190**

Moved by Ms. Truesdell, seconded by Ms. Spinks, and unanimously passed, that the Board approve that the Harris County Hospital District continue to prepare separate audited financial statements for Community Health Choice,

Inc. and the HCHD Foundation. Furthermore, and that the District adopt the accounting guidance required by the Governmental Accounting Standards Board Statement Nos. 14 and 39 in preparing the audited consolidated financial statements for the Harris County Hospital District and its affiliates.

Mr. Michael Jhin departed the meeting at this time and was not present when this vote was taken.

6. **Motion 07.3-191**

Moved by Mr. DonCarlos, seconded by Ms. Truesdell, and unanimously passed, that the Board accept the Pension Plan Report for the period ended February 28, 2007 subject to final audit.

Mr. Michael Jhin departed the meeting prior to this vote.

7. **Motion 07.3-192**

Moved by Mr. DonCarlos, seconded by Ms. Truesdell, and unanimously passed, that the Board accept the Fourth Quarter Investment Report for the period ended February 28, 2007.

Mr. Michael Jhin departed the meeting prior to this vote.

8. **Motion 07.3-193**

Moved by Ms. Truesdell, seconded by Mr. Franklin, and unanimously passed, that the Board approve an amendment to an agreement between the Harris County Hospital District and the Department of Assistive & Rehabilitation Service (DARS) (Consumer Services contract).

Mr. Michael Jhin departed the meeting prior to this vote.

9. **Motion 07.3-194**

Moved by Ms. Truesdell, seconded by Mr. Franklin, and unanimously passed, that the Harris County Hospital District, by and through its Board of Managers, previously approved and authorized expenses not to exceed \$200,000 incurred by the Harris County Attorney's Office in connection with the LBJ Hospital Expansion Project. The Board of Managers hereby approve and authorize the additional amount of \$100,000 for expenses incurred by the Harris County Attorney's Office for the LBJ Hospital Expansion Project, for a total amount not to exceed \$300,000.

Mr. Michael Jhin departed the meeting prior to this vote.

10. **Motion 07.3-195**

Moved by Ms. Truesdell, seconded by Mr. DonCarlos, and unanimously passed, that the Board ratify an agreement between the Harris County Hospital District and the University of Texas Health Science Center at

Houston: Department of Internal Medicine, Division of Geriatric Medicine for assistance in the development and implementation of a Caregiver Education and Health Promotion Program as part of a grant from the Houston/Harris County Area Agency on Aging in the amount of \$21,700 for the term January 1, 2007 through September 30, 2007.

Mr. Michael Jhin departed the meeting prior to this vote.

11. Approval of Recommendation of Community Health Choice, Inc.'s Board of Directors Capital Repayment of \$1.9 Million to the Harris County Hospital District

Dr. Glen R. Johnson and Mr. Charlie Moore, both with Community Health Choice, Inc. presented a check in the amount of \$1.9 million to the Harris County Hospital District for the final repayment of contributed capital to Community Health Choice, Inc.

12. Presentation of February 2007 Financial Statements of Community Health Choice, Inc.

Dr. Glen R. Johnson presented the February 2007 Financial Statements of Community Health Choice, Inc. Highlights include:

- Net income for February \$1,042,937
- STAR Member months were 8% above budget
- CHIP member months were 44% above budget
- Revenue was 3% above budget

Mr. Attwell announced that the Board will continue to deviate from the agenda and go into Executive Session to consider agenda item XI. E.

#### **D. Legislative Committee**

Mr. David Lopez presented agenda items related to Legislative Committee.

The Legislative Committee did not meet and brings directly to the Board, the following items:

1. Update, Discussion and Possible Action regarding Activities in Austin relating to Regulatory Issues impacting HCHD, the 80<sup>th</sup> Legislative Session, and the HCHD Legislative Platform

Mr. Lopez reported that a meeting was held with Senator Nelson and Commissioner Hawkins regarding the regional UPL.

2. Update, Discussion and Possible Action regarding Pending Federal Legislative, Line Items and Policy Issues Affecting HCHD

Mr. Lopez reported that we will continue to monitor what is going on with CMS.

## VIII. Items Related to Pharmacy

### A. Motion 07.3-196

Moved by Mr. DonCarlos, seconded by Mr. Franklin, and unanimously passed, that the Board ratify an agreement between the Harris County Hospital District and Amgen Safety Net Foundation to participate in the Amgen Institutional Safety Net Patient Assistance Program.

Mr. Michael Jhin departed the meeting prior to this vote.

### B. Motion 07.3-197

Moved by Mr. DonCarlos, seconded by Mr. Franklin, and unanimously passed, that the Board ratify an agreement between the Harris County Hospital District and Johnson & Johnson Health Care Systems Inc., to participate in the Johnson & Johnson Health Care Systems Hospital Access Patient Assistance Program for the period November 13, 2006 through October 12, 2007.

Mr. Michael Jhin departed the meeting prior to this vote.

### C. Motion 07.3-198

Moved by Mr. DonCarlos, seconded by Mr. Franklin, and unanimously passed, that the Board ratify an agreement between the Harris County Hospital District and Merck Patient Assistance Program, Inc. to participate in the Merck Institutional Patient Assistance Program.

Mr. Michael Jhin departed the meeting prior to this vote.

### D. Motion 07.3-199

Moved by Mr. DonCarlos, seconded by Mr. Franklin, and unanimously passed, that the Board ratify an agreement between the Harris County Hospital District and Bristol-Myers Squibb Assistance Foundation Inc. to participate in the Bristol-Myers Squibb Hospital Outpatient Assistance Program.

Mr. Michael Jhin departed the meeting prior to this vote.

### E. Motion 07.3-200

Moved by Mr. DonCarlos, seconded by Ms. Truesdell, and unanimously passed, that the Board approve of the Interlocal Agreement for Administrative Oversight of Harris County Public Health and Environmental Services (HCPHES) Class D Pharmacies by HCHD in an amount not to exceed \$19,990 per year.

Mr. Dale Wortham was not present when this vote was taken. Mr. Michael Jhin departed the meeting prior to this vote.

## IX. Items Related to Policies

**A. Motion 07.3-201**

Moved by Ms. Spinks, seconded by Mr. Franklin, and unanimously passed, that the Board approve a Policy on Code of Conduct for Federal Health Care Programs to be effective March 29, 2007. Administration also recommends that the President/Chief Executive Officer be permitted to make any changes in this policy pursuant to any changes made in the Certification of Compliance agreement, and if any changes are made, the policy will be brought back to the Board of Managers for ratification.

Mr. Michael Jhin departed the meeting prior to this vote.

**B. Motion 07.3-202**

Moved by Mr. DonCarlos, seconded by Ms. Truesdell, and unanimously passed, that the Board approve the revised Harris County Hospital District's Patient's Rights and Responsibilities policy to be effective March 29, 2007.

Mr. Michael Jhin departed the meeting prior to this vote.

**C. Motion 07.3-203**

Moved by Mr. DonCarlos, seconded by Mr. Franklin, and unanimously passed, that the Board approve a Suicide Risk Assessment Policy effective May 1, 2007.

Mr. Michel Jhin departed the meeting prior to this vote.

**D. Motion 07.3-204**

Moved by Mr. DonCarlos, seconded by Mr. Franklin, and unanimously passed, that the Board approve revised Policy 7.08 "Nursing Policy and Procedure Process" effective immediately.

Mr. Michael Jhin departed the meeting prior to this vote.

**X. Executive Session**

At 9:50 A.M., Mr. Attwell stated that the Board would go into Executive Session under Section 161.032 of the Texas Health & Safety Code and Chapter 551 of the Texas Government Code Section 071, 074, and 085. He stated that the regular meeting of the Board would reconvene at the close of Executive Session.

At 12:10 A.M., Mr. Attwell stated that the Board would go into Executive Session for the second time under Section 161.032 of the Texas Health & Safety Code and Chapter 551 of the Texas Government Code Section 071, 074, and 085. He stated that the regular meeting of the Board would reconvene at the close of Executive Session.

**XI. Reconvene**

At 10:43 P.M., Mr. Attwell reconvened the meeting and asked if there were further input to the Agenda.

See Board Motion# 07.3-159, agenda item XI. E.

At 1:10 A.M., Mr. Attwell reconvened the meeting and asked if there were further input to the Agenda.

A. Report by Corporate Compliance Officer 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

Presented as information only, requiring no action.

B. Consultation with County Attorney Cause No. 2006-15322; *Sonja Scott v. Harris County Hospital District, et al*; in the 270<sup>th</sup> 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 07.3-205**

Moved by Mr. Wortham, seconded by Ms. Truesdell, and unanimously passed, that the Harris County Hospital District, by and through its Board of Managers, approve and hereby authorize the settlement of any claim relating to Cause No. 2006-15322; *Sonja Scott v. Harris County Hospital District, et al*; in the 270<sup>th</sup> Judicial District Court of Harris County Texas; in the amount of \$37,500.00 and further authorize David S. Lopez, President/CEO to execute any release or other necessary documents to effect this settlement.

Ms. Mary Spinks and Mr. Michael Jhin departed the meeting prior to this vote.

C. Consultation with the County Attorney regarding Cause No. 2005-66516; *Halina Cebrat v. Harris County Hospital District, et al*; in the 190<sup>th</sup> 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

Presented as information only, requiring no action.

D. Consultation with the County Attorney regarding Cause No. 851,988; *Mary Joyce Holcomb v. Harris County Hospital District, et al*; in the County 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

**Motion 07.3-206**

Moved by Mr. Wortham, seconded by Ms. Truesdell, and unanimously passed, that the Harris County Hospital District, by and through its Board of Managers, approve and hereby authorize the settlement of any claim relating to Cause No. 851,988; *Mary Joyce Holcomb v. Harris County Hospital District, et al*; in the County Court at Law No. 2 of Harris County Texas; in the amount of \$3,000.00, and

further authorize David S. Lopez President/CEO to execute any release or other necessary documents to effect this settlement.

Ms. Mary Spinks and Mr. Michael Jhin departed the meeting prior to this vote.

- E. Discussion regarding Financial Planning Information relating to the Negotiation with Affiliated Medical Services for the Arrangement or Provision of Medical Services, pursuant to Tex. Gov't Code Ann. §551.085 and Possible Action regarding this Matter Upon Return to Open Session

**Motion 07.3-159**

Moved by Ms. Spinks, seconded by Mr. Franklin, and unanimously passed, that the Board approve the Affiliated Medical Services and Billing Agreements with the following changes to the Affiliation Agreement: date, preamble, Section 1.10 Contract Amount, Section 1.31 Staffing Plan, and Section 6.8.3.2 and for the Billing Agreement: Section 3.2 and further authorize David S. Lopez, President/CEO to execute the agreements.

This item was taken out of order.

Mr. Attwell announced that the meeting will return to the order of the agenda beginning with item VI.

- F. Consideration of an Employment Agreement between the Harris County Hospital District and David S. Lopez pursuant to Tex. Gov't Code Ann. §551.074 and Possible Action regarding this Matter Upon Return to Open Session

Presented as information only, requiring no action.

**XI. Adjournment**

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

There being no further business, the meeting adjourned at 1:12 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, 2007.

J. Evans Attwell, Chair  
Board of Managers

Carolyn Truesdell, Secretary

Recorded by Anne McCowan  
(Board Motion#160 was not used.)