

BOARD OF TRUSTEES

Public Meeting Agenda

HARRISHEALTH
SYSTEM

Thursday, February 25, 2021
9:00 A.M.

This meeting will be conducted by videoconference. Per temporary meeting suspension rules issued by Governor Greg Abbott due to the COVID-19 pandemic, the meeting may be viewed online: <http://harrishealthtx.swagit.com/live>

If you have signed up for [public comment](#), a WebEx link will be provided to you.

Mission

Harris Health is a community-focused academic healthcare system dedicated to improving the health of those most in need in Harris County through quality care delivery, coordination of care, and education.

AGENDA

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| I. Call to Order and Record of Attendance | Dr. Kimberly Monday | 2 min |
| II. Announcements / Special Presentations | Dr. Kimberly Monday | 20 min |
| A. Special Announcement <i>Ms. Linda Morales</i> , will recognize Dr. Kimberly Monday for Six (6) Years of Service and Leadership to Harris Health System Board of Trustees | | |
| B. CEO Report Including Updates on Winter Storm, COVID-19, Vaccinations and Special Announcement <ul style="list-style-type: none">• 4th Quarter 2020 Top Performing Practitioners and Advanced Practice Professionals in Ambulatory Care Services Patient Satisfaction | | |
| C. Board Member Announcements Regarding Board Member Advocacy and Community Engagements <ul style="list-style-type: none">• Professor Marcia Johnson, Appointed as Member of Harris Health System Board of Trustees by Harris County Commissioners Court, Effective March 1, 2021• Mr. Lawrence Finder, Reappointed to Harris Health System Board of Trustees by Harris County Commissioners Court, Effective January 26, 2021• Dr. Arthur Bracey, Named as Board Chair of Harris Health System Board of Trustees, Effective March 1, 2021• Ms. Linda Morales, Named as Board Vice Chair of Harris Health System Board of Trustees, Effective March 1, 2021• Ms. Elena Marks, Named as Board Secretary of Harris Health System Board of Trustees, Effective March 1, 2021 | | |
| III. Public Comment | Dr. Kimberly Monday | 8 min |
| IV. Consent Agenda Items | Dr. Kimberly Monday | 12 min |
| A. Recommended Committee Approvals | | |

1. Consideration of Approval of Internal Audit FY2022 Audit Plan
- **Mr. Michael Post, Harris County Auditor, and Ms. Errika Perkins, Chief Assistant County Auditor**
2. Consideration of Approval of Harris Health System Policy 3.17 Real Property Acquisition – **Mr. David Attard**

B. New Consent Agenda Items for Board Consideration

1. Approval of the Minutes of Previous Meetings:
 - Board Meeting – January 28, 2021
 - Strategic Planning Board/CEO Retreat – February 1, 2021
 - Special Called Board Meeting – February 11, 2021
2. Consideration of Approval of an Agreement Between the Harris Health System and Johnson & Johnson Patient Assistance Foundation, Inc. to Participate in the Johnson & Johnson Patient Assistance Program
– **Mr. Michael Norby**
3. Consideration of Acceptance of the Harris Health System Fourth Quarter Calendar Year 2021 Pension Plan Report – **Ms. Victoria Nikitin**

C. New Consent Agenda Grant Agreements for Board Approval

1. Consideration of Approval of Grant Agreements (Items C1 through C4)
(See Attached Grant Summary: February 25, 2021)

D. New Consent Agenda Affiliation Agreements for Board Approval

1. Consideration of Approval of Affiliation Agreements
(Items D1 through D4)
(See Attached Affiliation Agreement Summary: February 25, 2021)

E. New Consent Agenda Items for Information Only

1. Harris Health System Council-At-Large Meeting Minutes
– **Dr. Kimberly Monday**

{End of Consent Agenda}

V. Items for Board Consideration

Dr. Kimberly Monday 15 min

- A.** Consideration of Approval of the Harris Health System 2021-2025 Strategic Plan and Approval for Harris Health System President & Chief Executive Officer to Prepare Strategic Initiatives to Inform the Capital Plan, the Financial Plan and Master Facilities Plan
– **Dr. Esmaeil Porsa & Ms. Maria Cowles**

VI. Strategic Discussion

Dr. Kimberly Monday 20 min

A. Harris Health System Legislative Initiatives

1. Update, Discussion and Possible Action Regarding Pending State and Federal Legislative and Policy Issues Impacting Harris Health System
– **Mr. R. King Hillier**

- B. Update and Discussion Regarding Nursing Recruitment and Retention**
– Dr. Maureen Padilla

VII. General Action Items

Dr. Kimberly Monday 40 min

A. Item(s) Related to Quality Committee

1. Consideration of Acceptance of the Medical Executive Board Report to Include Notice of Appointments and Selection of New Service Chiefs
– Dr. John Foringer

2. Consideration of Acceptance of Credentialing Changes for Members of the Harris Health System Medical Staff Subject to Review of Files for Discussion – **Dr. John Foringer**

3. Discussion Regarding Harris Health System MVP Initiative

Dr. Arthur Bracey

B. Item(s) Related to Budget & Finance Committee

Ms. Anne Clutterbuck

1. Consideration of Purchasing Recommendations Requiring Board Approval (Items A1 through A50) – **Mr. DeWight Dopslauf and Mr. Jack Adger, Harris County Purchasing Office**
(See Attached Expenditure Summary: February 25, 2021)

2. Consideration of Acceptance of the Harris Health System January 2021 Financial Report Subject to Audit
– Mr. Michael Norby and Ms. Victoria Nikitin

VIII. Item(s) Related to Ambulatory Surgical Center at LBJ

Dr. Ewan D. Johnson 5 min

1. Review and Discussion Regarding the ASC at LBJ Status Report [Biannual Accountability] – **Dr. Scott Perry and Mr. Matthew Reeder**

IX. Item(s) Related to Riverside Dialysis Center

Dr. Kimberly Monday 5 min

1. Review and Discussion Regarding the Riverside Dialysis Center Status Report [Biannual Accountability]
– Ms. Lori Timmons and Mr. Matthew Reeder

X. Item(s) Related to the Health Care For the Homeless Program

Dr. Kimberly Monday 10 min

- A. Consideration of Approval of the Following Reports for the Health Care for the Homeless Program as Required by the United States Department of Health and Human Services Which Provides Funding to the Harris County Hospital District d/b/a/Harris Health System to Provide Health Services to Persons Experiencing Homelessness under Section 330(h) of the Public Health Service Act Health Care for the Homeless Program**
– Dr. Jennifer Small and Ms. Tracey Burdine

- **Dr. Laresa Ridge, Named as Medical Director, Health Care for the Homeless Program**
- **Incorporation of the Federal Poverty Guidelines for 2021**
- **Health Care for the Homeless Program Budget Summary**

XI. Executive Session

Dr. Kimberly Monday 100 min

A. Consultation with Harris County Attorney Regarding Litigation Related to E-Cigarettes and Vaping, and Possible Action Upon Return to Open Session to (1) Authorize the Harris Health System President/CEO to Execute All Necessary Documents for Approval of a Contingency Fee Contract with Reich & Birnstock LLP, Richard Schechter, P.C, Law Office Of J. Michael Solar PLLC and Chamberlain, Hrdlicka, White, Williams & Aughtry, PC (Collectively Special Counsel) and to; (2) Authorize the Harris County Attorney and Special Counsel to Pursue Litigation Against Parties Who May Be Responsible for Damages to Harris Health Related to the Manufacture, Distribution and Marketing of E-Cigarettes and Vaping Products, Pursuant to Statutory Notice Provisions Under Tex. Gov't Code Ann. §2254.1036:

- a) This Litigation is of Tremendous Significance to Harris Health Due to the Recent Findings Regarding the Deleterious Health Effects of Vaping. Litigation Against these Parties has Been Pursued by States and Other Jurisdictions All over the Country, as Well as a Number of Private Party Class Actions. Harris Health's Goal in Approving these Actions Would Be to Recover Damages to Help Defray the Costs of Treating Patients Suffering from Conditions Related to Vaping and Providing Resources for Patient Education on Vaping Prevention;
- b) The Proposed Special Counsel Have Decades of Experience Litigating Complex Consumer Class Actions, Especially in the Pharmaceutical Area. They Have Recovered Millions for their Clients and Have Served on Plaintiffs' Steering Committees for Some of the Most Significant Class Actions in Recent Years;
- c) The Proposed Special Counsel has Already Been Retained by Harris County to Pursue Claims Against the Same Potential Defendants;
- d) Because this Litigation is Likely to Require Specialized Knowledge and Will Involve Significant Attorney Time, the Harris County Attorney Does Not Have the Resources to Pursue the Litigation Using its Own Attorneys;
- e) Due to the Nature of the Claims and Because the Claims Against these Parties are Novel and Untested, a Contingency Fee Arrangement is Appropriate and Likely the Only Way that Counsel with the Requisite Skill and Experience Would Agree to Represent Harris Health. Counsel Without the Requisite Experience Would Not Be Able to Navigate the Complexities of a Multi-Party, Multi-Jurisdiction Litigation Involving Hundreds of Classes of Plaintiffs, Difficult Legal Issues, and Well-Funded and Highly Skilled Defense Counsel, Leading to a Materially Lower Recovery for Harris Health. The Plaintiffs in the Cases that Have Already Been Filed Against Manufacturers, Including Many Other Political Subdivisions, Have Retained Counsel on a Contingency Fee Basis; and
- f) A Successful Outcome in the Proposed Litigation Would Inure to the Benefit of Harris Health, the Population it Serves, and the Residents of Harris County. Because the Quantum of Damages Will Be Significantly Increased By Having Sophisticated Counsel Such as the Proposed Special Counsel, the Proposed Contingency Fee Arrangement is in the Best Interest of Harris Health

– Mr. Christian D. Menefee, Harris County Attorney

- B. Discussion and Consultation with Attorney Regarding Financial Performance of Community Health Choice, Inc. and Community Health Choice Texas, Inc. (collectively, "Community"), and Structure of Community and Harris Health System, Pursuant to Tex. Gov't Code Ann. §551.085 and Tex. Gov't Code Ann. §551.071 – ***Ms. Lisa Wright, Ms. Taylor Cooper, Community Health Choice and Ms. Sara Thomas***
- C. Report Regarding Quality of Medical and Health Care, Pursuant to Tex. Health & Safety Code Ann. §161.032, Tex. Occ. Code Ann. §160.007, and Tex. Occ. Code Ann. §151.002 to Receive Peer Review and/or Medical Committee Report in Connection with the Evaluation of the Quality of Medical and Health Care Services, Including the Harris Health System Quality and Safety Performance Measures, Including Endoscopy Care Coordination, and Possible Action Regarding This Matter Upon Return to Open Session, Including Consideration of Approval of Credentialing Changes for Members of the Harris Health System Medical Staff
– ***Dr. Ann Barnes***
- D. Report by the Executive Vice President, Chief Compliance and Risk Officer, Regarding Compliance with Medicare, Medicaid, HIPAA and Other Federal and State Health Care Program Requirements, Including an Update on the CLIA Survey and a Status of Fraud and Abuse Investigations, Pursuant to Tex. Health & Safety Code Ann. §161.032, and Possible Action Regarding This Matter Upon Return to Open Session – ***Ms.Carolynn Jones***
- E. Evaluation of Chief Executive Officer, Pursuant to Tex. Gov't Code Ann. §551.074, and Possible Action Regarding This Matter Upon Return to Open Session – ***Board of Trustees***
- F. Discussion Regarding Protiviti's Human Resources (HR) Assessment, FY2022 Audit Plan, Pursuant to Texas Health & Safety Code §161.032, and Possible Action Regarding This Matter Upon Return to Open Session – ***Mr. Michael Post, Harris County Auditor, and Ms. Errika Perkins, Chief Assistant County Auditor***

XII. Reconvene	Dr. Kimberly Monday	2 min
XIII. Adjournment	Dr. Kimberly Monday	1 min