

# BOARD OF TRUSTEES

## Public Meeting Agenda

**HARRISHEALTH**  
SYSTEM

**Thursday, March 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

- |   |                          |               |
|---|--------------------------|---------------|
| <b>I. Call to Order and Record of Attendance</b>  | <b>Dr. Arthur Bracey</b> | <b>2 min</b>  |
| <b>II. Approval of the Minutes of Previous Meeting</b>  |                          | <b>2 min</b>  |
| <ul style="list-style-type: none"><li>• Board Meeting – February 25, 2021</li></ul>   |                          |               |
| <b>III. Announcements / Special Presentations</b>   | <b>Dr. Arthur Bracey</b> | <b>13 min</b> |
| <b>A. Special Recognition</b> <i>Dr. Arthur Bracey</i> , will recognize the appointment of Professor Marcia Johnson to the Harris Health System Board of Trustees   |                          |               |
| <b>B. CEO Report</b> Including Updates on COVID-19, Jail Health, Vaccinations and Special Announcements   |                          |               |
| <ul style="list-style-type: none"><li>• Ms. Elena Marks, Reappointed to Harris Health System Board of Trustees by Harris County Commissioners Court with a Term Ending November 1, 2023</li><li>• Harris Health's MVP Initiative</li></ul>      |                          |               |
| <b>C. Board Member Announcements</b> Regarding Board Member Advocacy and Community Engagements  |                          |               |
| <b>IV. Public Comment</b>   | <b>Dr. Arthur Bracey</b> | <b>5 min</b>  |
| <b>V. Consent Agenda Items</b>  | <b>Dr. Arthur Bracey</b> | <b>15 min</b> |
| <b>A. Recommended Committee Approvals</b>   |                          |               |
| 1. Consideration of Approval to Increase the Ben Taub Emergency Center Modernization and Renovation Project Guaranteed Maximum Price by \$1,370,700.00 and Owner's Contingency from 7% to 9.5% of Total Project Cost – <b>Mr. David Attard</b>  |                          |               |
| 2. Consideration of Approval of the Harris Health System Investment Policy to Include Provisions Related to Selection of Qualified and Registered Minority, Women, Veteran and Disabled-Owned Financial Institutions – <b>Mr. Michael Norby</b> |                          |               |

**B. New Consent Agenda Affiliation Agreements for Board Approval**

1. Consideration of Approval of an Affiliation Agreement between Harris County Hospital District d/b/a Harris Health System and Houston Community College System, Global Energy Center of Excellence for Associate of Applied Science in Electronics Engineering Technology for the Term March 1, 2021 – February 28, 2026 – **Mr. Omar Reid**

**C. New Consent Agenda Items for Information Only**

1. Harris Health System Council-At-Large Meeting Minutes

**Dr. Arthur Bracey****{End of Consent Agenda}****VI. Strategic Discussion****Dr. Arthur Bracey****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. Presentation Regarding the Status of and Progress Related to the Harris Health System Disparity Study – *Colette Holt & Associates*****C. Presentation Regarding Harris Health's Diversity & Inclusion Program  
– *Mr. Omar Reid and Human Resources Team*****VII. General Action Items****Dr. Arthur Bracey****50 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 – **Dr. John Foringer**
3. Presentation Regarding Harris Health's Value Based Purchasing  
– **Dr. Ann Barnes and Dr. Joseph Kunisch**

**B. Item(s) Related to Budget & Finance Committee****Ms. Anne Clutterbuck**

1. Consideration of Purchasing Recommendations Requiring Board Approval (Items A1 through A34) – **Mr. DeWight Dopslauf and Mr. Jack Adger, Harris County Purchasing Office**  
**(See Attached Expenditure Summary: March 25, 2021)**
2. Consideration of Approval of a Resolution Setting the Rate of Mandatory Payment for the Harris County Hospital District Local Provider Participation Fund  
– **Mr. Michael Norby and Ms. Victoria Nikitin**

**C. Item(s) Related to Community Health Choice**

1. Presentation of the 2020 Annual NAIC Filing for Community Health Choice, Inc. and Community Health Choice, Texas – ***Ms. Lisa Wright and Mr. Mark Van Elden, Community Health Choice***

**D. Item(s) Related to Population Health**

1. Presentation Regarding Population Health Collaboration and Consideration of Approval of a Collaboration Agreement between Harris Health System and The University of Texas M.D. Anderson Cancer Center for Quality Assessment and Improvement and Population-Based Activities – ***Ms. Karen Tseng***

**E. Item(s) Related to Harris County Hospital District Foundation**

1. Consideration of Approval of the Third Grant Agreement Between Harris Health System and the Harris County Hospital District Foundation in the Amount of \$100,000 from the Foundation's Permanent Endowment Fund to be Designated to the Harris Health System Employee Disaster Relief Fund Managed by the Harris County Hospital District Foundation  
– ***Dr. Esmaeil Porsa, Mr. Theo Franklin and Mr. Jeffrey Baker***

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

**Dr. Arthur Bracey**

**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***

- Change in Scope: Jackson Hinds Garden Clinic Closure, Effective March 01, 2021

**IX. Executive Session**

**Dr. Arthur Bracey**

**120 min**

- A.** Discussion Regarding 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***
- B.** 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**
- C.** Consultation with Attorney Regarding Qui Tam Litigation Matters, Pursuant to Tex. Gov't Code Ann. §551.071, and Possible Action Regarding this Matter Upon Return to Open Session – **Ms. Sara Thomas**
- D.** 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, and Possible Action Regarding This Matter Upon Return to Open Session – **Dr. Ann Barnes**

- E. 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***
- F. Consultation with Attorney Regarding Patient Safety Incident, Pursuant to Tex. Gov’t Code Ann. §551.071, Tex. Health & Safety Code Ann. §161.032, Tex. Occ. Code Ann. §160.007, and Tex. Occ. Code Ann. §151.002 and Possible Action Regarding This Matter Upon Return to Open Session  
– ***Ms. Sara Thomas***
- G. Discussion Regarding the 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***
- H. Consultation with Attorney Regarding Jail Health and Commissioners Court Updates, Pursuant to Tex. Gov’t Code Ann. §551.071 and Possible Action Regarding This Matter Upon Return to Open Session  
– ***Dr. Esmaeil Porsa and Ms. Sara Thomas***
- X. Reconvene Dr. Arthur Bracey 2 min
- XI. Adjournment Dr. Arthur Bracey 1 min