

**BOARD OF COMMISSIONERS
PUBLIC HOSPITAL DISTRICT NO. 1 OF PEND OREILLE COUNTY**

August 26, 2021

Due to CoVid-19 protocols, the meeting was offered via tele-conference. Those in attendance:
Commissioners: Lynnette Elswick, Robert Rosencrantz, Lois Robertson, and Susan Johnson;
Executive Officers: Tom Wilbur, Theresa Hollinger, Chris Wagar, Kim Manus and Joseph Clouse
Others: Don Gronning and Michelle Nedved, Newport Miner; Casey Scott, Susan Schwartz, Jennifer Johnston, Jen Allbee, Jenny Smith, Casi Densley, Jane Tilley, Deanna Watson, Lisa Fisher, Sue Calvert, Carie Russell, Jan Steinbach, Michelle Knight, Julie Lohman, Walter Price, Timothy Chavis, MD, Lori Crumpler, Jessa Boles, Karl Jacobson, Sharon Jacobson, Jen Mendoza, Leslie Wiese, Tina Batsch, Brent Broadstone, Melanie Endicott, Lori Stratton, Sam Artis, MD, Kelli Bush, and Nancy Shaw.

Excused: Commissioner Terry Zakar and Aaron Reinke, MD.

CALL TO ORDER:

Lynnette Elswick, Vice Chairperson called the meeting to order at 10:05 a.m.

READING OF LEGAL NOTICE:

The regular meeting legal notice was distributed as required.

APPROVAL OF AGENDA / CONSENT ITEMS:

Consent Packet: Meeting Agenda, Auditors Report and Uncompensated Report. A motion made, seconded and passed unanimously approved the Consent Packet.

APPROVAL OF PREVIOUS MEETING MINUTES

The July 22, 2021 meeting minutes were approved via a motion made, seconded and unanimously passed.

BUSINESS FROM THE AUDIENCE:

Michael Zeimantz remarked on NHHS' stance regarding the Governor's proclamation/exemptions. He noted that, as compared to school districts. NHHS is indicating that employees could lose their jobs and he feels the trepidation and emotional trauma that staff are expressing is unnecessary and could be a non-issue, depending upon NHHS' policy. Tom W. responded, noting that NHHS will follow the Governor's mandate to review exemption requests and determine whether a "reasonable accommodation" can be made. Michael asked why the stance is different between the school district and NHHS. Tom responded, noting that he wasn't sure how the school district will operate, but indicated as a health care facility we are held to a high community expectation and carry great responsibility. Tom stated that the vast, vast majority of people being hospitalized and dying are those who are unvaccinated. We will continue to do the best we can under the circumstances. Michael noted that softening the District's stance could have a calming effect for those that are feeling stress and anxiety.

Commissioner Rosencrantz noted the Governor's proclamation is unpopular among many people; however, we must follow the law. He presented and read (for the record) three documents in response to Board Action Item #1 as follows: 1) US Equal Employment Opportunity Commission – Technical Assistance Questions and Answers Regarding Vaccinations Including CoVid 19; 2) Foster Garvey Law Firm (advising the Washington Association of Public Hospital District AWPHD); and 3) Comments from a Professor of Law at the University of California who is known for her advocacy for immunizations and strongly supports vaccinations, but also acknowledges religious exemptions to vaccine mandates. Commissioner Rosencrantz noted he felt it important to share these documents in response to Michael Zeimantz' concerns, as well as after attending four of the All Staff meetings held this week.

Michael commented that the documents provided clarification to some of his questions. He thanked Commissioner Rosencrantz for sharing the information.

Robert Rosencrantz distributed two proposed motions as follows:

Motion 1: Whereas it is important that all NHHS employees have sufficient information with which to make decisions regarding exemption or accommodation requests; **THEREFORE**, be it resolved that every NHHS employee be given the three documents detailed below and attached hereto at the same time they receive the other CoVid-19 vaccine documents (i.e. Mandatory CoVid 19 Vaccinations, Accommodation Request: Medical Exemption and Request for Accommodation: Religious Belief Exemption).

- EEOC Technical Assistance Questions and Answers – Updated 5/28/2021
- Foster Garvey Legal Alert dated August 12, 2021
- Doris Rubenstein Reiss information

The motion was seconded and passed with Commissioner Sue Johnson opposed. She noted that more research should have been done and added that one of the papers was a legal opinion and the other a personal opinion. Sue believes there are other sides that have not been presented and people should have both opinions, not one only. She also noted that we likely cannot reasonably accommodate 200 people; asking what were the added costs to us? She heard it was \$50,000 on the news today.

Tom W. stated it depends upon what the accommodation requests are – which has yet is to be determined and will be weighed on the individual merits of each request. Sue stressed there are legal opinions on both sides.

Commissioner Rosencrantz responded, noting that the motion has been adopted to include the three documents; he suggested that Sue also submit information to be included for the Board to consider. Sue stated that the motion was being passed before she had time to submit any new information. Discussion ensued and suggestions offered included a review of our process by District legal counsel.

Motion 2: Whereas, there will be instances when the rights of NHHS employees who wish not to receive the CoVid-19 vaccine can be maintained by reasonable accommodation, which will result in additional costs to NHHS and which the NHHS Board supports; **THEREFORE**, be it resolved that NHHS will review and track as a separate budget item the additional expenses to support such accommodations. On or before October 18, 2021, NHHS staff shall submit for Board approval an amount for these estimated expenses and thereafter track actual expenses, as needed.

Kim Manus asked whether we are considering other resources along with expenses; i.e.- staffing/adequate PPE to meet guidelines to remain open? All could be part of our ongoing evaluation, noting should PPE be utilized for employee accommodation vs. taking care of patients and staying open?

Theresa Hollinger stated discussions to date have been that employees will request accommodation, but the Senior Team will determine whether it's appropriate; noting WSHA has indicated there may be updates to the Proclamation. She wants further clarification as to what the State considers appropriate accommodations under staff requests. Essentially, safety measures should align with State DOH recommendations, which currently are masking, 6' distancing, limiting visitors, but does not necessarily requiring testing or to always wear an N-95 mask.

Theresa cited WSHA's opinion regarding safety measures for those requesting accommodations, noting it requires that health care settings must "to the extent permitted by law require an individual who receives an

accommodation to take CoVid 19 safety measures that are consistent with the recommendations of the State Dept. of Health for a setting in which the individual works.” Reasonable accommodations would then translate that the District may already be in compliance with guidelines, which does not include (at present) testing for employees.

Commissioner Rosencrantz stated that Kim and Theresa made great points and refined the motion to read: **THEREFORE**, be it resolved that NHHS may incur additional expenses and demands on resources to support such accommodations so long as said accommodations comply with all applicable laws and regulations and do not place an undue hardship on the employer. The motion was seconded and approved unanimously.

Commissioner Rosencrantz noted that at the Special Board of Commissioner meeting held on Friday, August 20, 2021, he wished to reserve the right to approve any amended policies drafted for the Mandatory CoVid-19 Vaccine and the Accommodation Request for Disability Exemption for Medical and/or Religious Beliefs. He indicated that the forms have been amended per his request. A motion made, seconded and passed unanimously to approve the following documents included in the August 26, 2021 Board Packet:

- Mandatory CoVid 19 Vaccination Accommodation Request Medical Exemption
- Request for Accommodation Relief for Religious Belief Exemption

Kim explained that the District would follow the same policy and will communicate this to outside vendors, who will certify they are adhering to the same vaccine requirements. Robert agreed, citing the definition of worker for purposes of the policy: a “worker” is any person engaged to work as an employee, independent contractor, service provider, volunteer or through any other formal or informal agreement to provide goods or services, whether compensated or uncompensated. Chris noted the Proclamation clarifies that the employer of those providing services will manage their staff process and the District will only request vaccination status or exemption forms.

Tom W. explained that the District’ compensation plan has included annual incentive pay based upon pre-defined metrics: financial/cash flow, patient satisfaction scores, etc. He noted that 2021 again has really only included the business of responding to CoVid 19 and that there truly is a solution to get to the end of the pandemic. As such, he proposed offering 2021 incentive compensation as follows: from inception of Gov. Inslee’s mandate (Aug. 11) until December 4, 2021 (eight pay periods), a \$3 per hour incentive pay for those employees that remain employed by the District and have received the Covid-19 vaccine. The incentive would amount to approx. \$1,920 per staff member (presently \$275K total) with the current number of staff vaccinated – it could double to \$550K, if all staff were vaccinated by Dec. 4th.

Commissioner Rosencrantz noted that when the incentive pay was mentioned in July, it was considered to be a reward for all staff members for their sacrifice and service to the District during the pandemic, noting everyone has been under immense pressure, stress and anxiety. Robert stated that this proposal seems to shift the incentive to only those receiving the vaccine. Tom indicated that was his unilateral choice as he was contemplating the current pandemic dilemma. The group discussed aspects of the Governor’s Proclamation: Tom noting exemption forms will be available tomorrow; Michael Z. added that he is not opposed to the vaccinations, but he is opposed to the principle of the mandate; Leif Furman suggested two separate incentives – one for those that worked during and through the pandemic, and one for those that have/will receive the vaccine; Joseph Clouse requested time to review any figures and present a revised version of any incentive; there were no objections. Theresa H. stated that she feels that those employees with approved exemptions should also receive any approved incentive/retention compensation; Chris W.

noted the Governor's proclamation states we are prohibited from providing accommodations without conducting an individualized assessment and determination of each individual's need and justification for accommodation – i.e. no “rubber stamping” requests. Commissioner Elswick agreed with Robert, noting that the incentive compensation initially was labeled for employee retention to recognize the sacrifice employees have made due to the pandemic; additionally NHHS was losing employees. She agreed there should be two separate tracks – retention/recognition and vaccination/incentive. The revised proposal was tabled and a new proposal will be presented to the Board at a future date.

Auditors Report – July:

Warrants #301797 through 302195	1,160,695.55
Electronic warrants: #400100 through #400119	
#400121-400129, #400132-400134	801,746.20
Mountain West, Loan payment, disbursed 01/11/21	<u>39,453.85</u>
Total, warrants and disbursements	\$ 2,001,895.60
Bad Debt/Charity: July, 2021, inclusive District Write-off:	\$ 84,974.35

COMMITTEE REPORTS:

Joint Conference: Dr. Reinke was excused, so there was no report.

HR Update: Joseph Clouse, HR Director, provided the current Open Positions report noting there were approx. 35 openings; he attached an informational sheet of vacancy rates across all Collaborative hospitals. He noted that Coulee is 15% at the highest, as compared to Mason General, at 5%. NHHS is 10%.

Joseph commended Lisa Fisher, HR Generalist for her excellent work in trying to search and fill the open positions. Theresa H. stated that agency staff is being hired for some of the critical RN positions; Agencies are charging from \$175-\$184 per hour. Theresa has received requests to decrease the required experience time frame from 2 years to 6 months; this was declined due to the liability/risk factor.

Finance: Casi Densley, Controller stated our 2020 CMS cost report was filed last month and we received a \$1.4M settlement (added to the 2020 bottom line) and the Finance Team is working on our 2020 audit to confirm that we will receive (also book to 2020) approx. \$4.3M Cares Act funding.

RCS & RHC Updates: Chris Wagar, COO, shared the weekly care status report for both residential facilities noting that the occupancy rate is low (at 80% due to staffing challenges). RMAC is down 6 NA-C's and there are more openings expected, but we also have a NAC class scheduled; all dependent upon mandate restrictions. She also shared a graph of monthly clinic visits, by PCP, and noted July was a slow month (1,600 total visits), as many providers were on vacation. Chris will continue to work on producing financial reports for both facilities to update the Board.

Quality/PI: Jen Allbee, Quality Manager explained that she has been working on our recent CMS/State survey response and correction action plan, so the QA/PI data will follow next month.

Theresa Hollinger summarized the CMS/ DOH survey results/report delivered ten days ago, noting our plan of correction is due today. The Fire Marshall cited eighteen minor violations associated with maintaining egress/blocked doors, fire resistant material, sprinkler maintenance/service/parts/repairs, exit signage, kitchen hood maintenance, smoke detectors, fire extinguisher (one was outdated, one was out of place), elevators, outlets in OR, and multi extension cord issues.

There were fourteen hospital survey citations: issues concerned medication storage (outdates and labeling), respiratory protection program, endoscopy storage, following cleaning schedules on specific PT equipment, contractor/student/volunteer background checks, blood borne pathogen education, infection prevention, contractor education, outpatient treatment orders for non-credentialed providers, restraints, pain assessments/re-assessment, nutritional risk assessment and documentation, social service assessments and services, outdated reference materials and supplies, and swing bed activity/workflow in Epic. Theresa noted that she this as an opportunity for improvement and we will continue to make adjustments to all items.

Theresa suggested there is also an opportunity to improve the District's survey-readiness processes in a number of areas. She and Chris have been researching Joint Commission vs. DNV for accreditation standards. The DNV is an international organization that works with organizations to ensure an annual accreditation survey is completed as well as provide education and direction to assist in prevention of multiple citations. Many of the citations listed in the Plan of Correction were preventable and Theresa will develop and hard wire processes; she believes that outside assistance would be beneficial. Theresa noted that many of the Collaborative hospitals have worked with the company.

Lastly, Theresa noted that out Infection Control and Quality Assurance/PI positions are to be recommended by the medical staff and approved by the Board of Commissioners.

Action: Appoint Infection Prevention/Antibiotic Stewardship Supervisor & Quality Manager. Following discussion, the Board of Commissioners made a motion to **unanimously appoint Janis Steinbach, RN, Infection Prevention/Antibiotic Stewardship Supervisor and Jennifer Allbee, RN, Quality Manager.**

Coronavirus Update: Jenny Smith noted an updated report was e-mailed to the Board members and Chris Wagar reviewed the Tri-County Health District report, noting much of data was shared at the recent All Staff meetings. Highlights included: pandemic phases over-time; a comparison of 14 day positive case rates per 100K population, and the Feb. to July, local CoVid positive case rates - 94.3% were unvaccinated.

Tom W. added there is a bed shortage; in a normal year, trends indicate that August is a low-volume month. Chris noted that Kootenai Health recently converted a classroom to a 22-bed low-acuity CoVid ward.

CEO Report: Tom discussed capital planning, noting our focus remains on ED expansion, MRI, Lab relocation and remodel of the existing Circa '58 space and Admitting at a total cost of approx. \$8M.

Tom explained that our total cash on hand is \$19M (July), down from \$21.5M (Dec. 20') – if the CMS advance were repaid. Tom believes if we could retain \$20M at year end, the District would be in great financial standing. Our RHC cap rate increased dramatically (w/2020 costs staying the same and visits off by approx. 10,000 we raised our RHC cost-per-visit by \$85).

ACO – Tom noted the Collaborative has done well and is impressed with PSW's staff expertise/assets. He explained that for 2021, NW Momentum Health Partners (NWMHP-ACO) is in year 5 (our Collaborative year 1). Our Rural Collaborative desire was to increase the amount of rural lives and explained the District's history of ACO participation from 2016-18 and 2021, and our ACO options for 2022: MSSP Enhanced (the same functional design as CMMI, Next Generation) vs. Direct Contracting (DC). The only fundamental difference between MSSP and DC is how the baseline cost threshold is determined. The MSSP includes 2020 cost data and the DC model includes costs only up thru 2019, and inflated at a higher rate. The operational performance metrics, cost savings measures, and claims processing are identical under both models; the DC version would start us with a much higher cost benchmark. Tom noted, functionally, the math is a no brainer – the DC model is our preferred route for 2022.

Commissioner Johnson raised concerns regarding providers working 24 hr. shifts with our ED volumes. Tom noted we have discussed this with providers as well as Dr. Jones assuming a Hospitalist role to lighten the load. Currently, our FP's do O.B, O/P scopes, manage ACU patients, work in the ED, and maintain a clinic practice. The UW is exploring a rural residency track at NHHS/Grand Coulee – 2 residents/year, 3 year roll = six residents. Chelan is operating a satellite program – the concept is to increase and retain rural providers. Tom will pursue provider interest and program options.

Commissioner Rosencrantz asked for an explanation of a Hospitalist and Tom clarified; he noted that Dr. Jones has proposed providing oversight for one week per month

BH-SUD – we received a Premera/Aim grant (\$245K) and our program will officially launch in Oct. with Dr. Caitlin Rippey providing physician oversight.

Of note, we received an extension under our DSHS/ALTSA contract guarantee rate through the end of 2021 for RMV/AC. Tom will continue to gain a better understanding of the future of DOH/DSHS contracting. Tom is hopeful that rates will improve; alternately, the future of a non-private residential care program is at risk.

Kim added that our HPSA Designation was finalized in August. The federal loan repayment program is offered to providers, nurses and health care-related positions – our rating went from 14 to 16 points, placing the District in a better position.

ACTION ITEM AGENDA

ACO 2022 Direct Contracting. Tom shared a graph of NW Momentum Health Partner ACO, year-over-year data (by quarter). After review and discussion, **a motion made, seconded and passed unanimously authorized participation under the NWMHP-ACO for the 2022 contract year.**

Capital Purchase: Commercial Washing Machine. Joseph Clouse explained we have two commercial washing machines in service for over 10 years; one of the machines malfunctioned and repair service was called. An issue with the processor was identified and the repair person switched the processor from the operating machine to the broken machine which then began to work and the good machine malfunctioned. Two processors were ordered; one was tested; the second one was replaced, but is working intermittently. Kim added that the hospital also provides linen service to ALF. Joseph received two vendor quotes and has not had an opportunity to research final information, but we will need on machine replaced.

ACTION: The Board approved the purchase of a new commercial washing machine; Tom W. stated that the price is to be determined. He will report the cost to the Board following Joseph's research and determination.

OTHER BUSINESS

There was no other business to discuss.

EXECUTIVE SESSION

As permitted by RCW 41.05, the meeting was moved to Executive Session at 12:40 pm for approx. 20 minutes to discuss personnel matters.

RETURN TO OPEN SESSION

The Commission returned to Open Session at approximately 1:00 pm.

**BOARD OF COMMISSIONERS
PUBLIC HOSPITAL DISTRICT NO. 1 OF PEND OREILLE COUNTY
August 26, 2021**

Per the recommendation of the Medical Staff Executive Committee, the Board of Commissioners approved the following privileges by motion made, seconded and passed unanimously:

Initial Appointments: Provisional Status

Craig A. Burns, M.D.–Emergency Medicine
Lise Labiche, M.D.–OffSite Teleneurology

Hanbing Wang, M.D–OffSite Teleneurology
Kinjal Desai, M.D. OffSite Teleneurology

Provisional to 2 Year Reappointment Status:

James Vandersloot, D.O. – Gynecology
Mimi Lee, M.D. - OffSite Teleneurology
Kyle Ogami, M.D. - OffSite Teleneurology

Stephen Burton, M.D –OffSite Teleneurology
George Lopez, M.D. - OffSite Teleneurology
Kishan Patel, M.D. - OffSite Teleneurology

2 Year Reappointments:

Nathan Lilya, D.O. – Emergency Medicine
Ruth Thomason Treat, D.O.-OffSite Teleneurology
Joe Freeburg, D.O. - OffSite Teleneurology
Pratik Bhattacharya, M.D.-OffSite Teleneurology

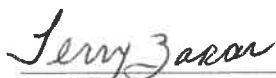
NEXT MEETING DATE

The next regular Board of Commissioner meeting will occur at 10:00 a.m., Thursday, September 23, 2021 in the Sandifur meeting room. The meeting will be available via ZOOM.

ADJOURNMENT

There being no further business, the meeting adjourned at approximately 1:00 pm.

Minutes recorded by Nancy J. Shaw, Executive Administrative Assistant.



Terry Zakar, President
Board of Commissioners



Lois Robertson, Secretary
Board of Commissioners